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LAWS AND STATUTES

RELATING TO THE

BOARD OF STATE

HARBOR COMMISSIONERS

COMPILED BY
DANIEL A. RYAN
ATTORNEY FOR THE BOARD

AUGUST 15, 1914



California State Printing Office
Sacramento
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UNIVERSITY OF ILLINOIS
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OFFICE OF

BOARD OF STATE HARBOR COMMISSIONERS

UNION DEPOT AND FERRY HOUSE.

STATE HARBOR COMMISSIONERS

J. J. DWYER, *President*. THOMAS S. WILLIAMS.
JOHN H. McCALLUM.

Secretary,
LEO V. MERLE, JR.

Assistant State Engineer,
JEROME NEWMAN.

Attorney,
DANIEL A. RYAN.

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BWS

LAWS AND STATUTES IN FORCE

Political Code of the State of California

ARTICLE IX.

SAN FRANCISCO HARBOR AND STATE HARBOR COMMISSIONERS.

SECTION 2520, POLITICAL CODE. APPOINTMENT OF STATE HAR- BOR COMMISSIONERS.

State of California
A board of state harbor commissioners, to consist of three persons, is hereby created, with such powers and duties as are prescribed by law. On the passage of this act the governor must nominate, and, by and with the consent of the senate, appoint three state harbor commissioners. Any and all harbor commissioners heretofore or hereafter appointed shall hold office at the pleasure of the governor. When any appointment of any successor to any commissioner is made by the governor, such appointment shall be valid to all intents and purposes, subject, however, to the consent of the senate at its next regular session, and, until such time, the person so appointed shall have as full and ample power and authority as though confirmed by the senate. In case the senate, during its session, fail to act on or refuse its consent to any nomination the governor may make of any person or persons to constitute the board herein provided for, he must, after the adjournment of the senate, grant a commission or commissions to such person or persons as he may desire to appoint, which appointment or appointments shall be valid to all intents and purposes, subject, however, to the consent of the senate at its next regular session, and until such time the person or persons so appointed shall have as full and ample power and authority as though confirmed by the senate. The board of state harbor commissioners hereby created shall be the legal successor to any and all previous boards. When the board herein provided for is appointed, it shall organize and elect a president and executive officer of the board. It shall be his duty to preside at its meetings, to supervise the official conduct of all its officers and

Board of state harbor commissioners.
Term of office.
Appointment in case of failure to confirm.
President of board.

employees, especially in the collection, custody and disbursements of the revenues, and to require that all the books, papers and accounts be accurately kept and in proper form, and all the provisions of law and the regulations of the board be enforced and observed. He may administer official oaths to the officers and employees of the board, except the other commissioners, and to all other persons in relation to the business of the board. [*Amendment approved March 8, 1911; Statutes 1911, pp. 313-314; took effect immediately.*]

People vs. Blanding, 63 Cal. 339;
Bateman vs. Colgan, 111 Cal. 583.

SEC. 2521, POLITICAL CODE. BONDS. EMPLOYEES.

The president of the board must give an official bond in the sum of fifty thousand dollars, and each of the other commissioners in the sum of fifty thousand dollars, which must be approved by the governor and state treasurer by written indorsement thereon, and within fifteen days after the date of their respective commissions must be filed and recorded in the office of the secretary of state, together with the official oath prescribed by law. The commissioners shall not be sureties for one another, nor shall any officer of the state, nor any officer or member of the legislature, be accepted as surety on said bonds. As soon as the commissioners first appointed under this act have qualified, the offices of the present commissioners shall be and are hereby declared to be vacant. The board, on entering on the duties of their office, must appoint the following officers, viz: a secretary, an assistant secretary, an attorney, a chief wharfinger, and such number of wharfingers and collectors as they deem necessary. Such officers shall hold for a term of four years from the dates of their respective appointments, but may be removed by the board at any time, after due investigation, for causes affecting their official character or competency. The order for such removal, stating distinctly the causes therefor, must be entered on their minutes. In case of a vacancy in such offices by the expiration of a term, or for any other cause, the board must fill the same by an appointment for four years. [*Amendment approved March 11, 1907; Statutes 1907, p. 224. This section partially repealed by civil service act.*]

People vs. Mathewson, 47 Cal. 447;
Ford vs. Harbor Commissioners, 81 Cal. 20-37;
Farrell vs. Board of Trustees, 85 Cal. 414.

May administer oaths.

Bonds of commissioners.

Bonds and official oaths to be filed.

Officers of board.

Term of office.

Removal for cause.

Filling vacancies.

SEC. 2522, POLITICAL CODE. EMPLOYEES AND THEIR DUTIES.

The secretary must keep the office of the board open every day (legal holidays excepted) from 9 o'clock a. m. to 4 o'clock p. m. He shall safely keep and be responsible for all moneys paid into the office, and for all the books and papers of the board, attend their meetings, and keep a perfect record of their proceedings, with the names of the commissioners present thereat. He must keep, in proper books, an account of all moneys received and paid, and, on or before the fifth day of each month, must send to the state controller a statement thereof, under oath, for the preceding month, showing the sources from which such moneys were received, and the purposes for which they were paid, and must also report to the controller the amount paid to the state treasurer for the month covered by such statement. He must enter daily, in proper wharf-books, the returns made by the wharfingers and collectors, and, on the last day of each month, settle the accounts of each of them, and balance the said books as soon as possible thereafter. When money is received from any source, he must retain a stub corresponding in number, date and amount with the receipt given therefor, and he must require the person paying it to sign said stub. He must record at length all contracts and agreements made by the board, and keep a record of all personal property purchased and its cost; and, in case any be sold, the name of the purchaser, date of sale and the price received therefor. Before entering on the duties of his office, he must give an official bond in the sum of fifty thousand dollars, and take and subscribe an official oath. Said bond must be approved by the board, by written indorsement thereon, and be filed with such oath in the office of the secretary of state. The assistant secretary shall attend at the office during office hours, and must perform such service as may be required of him by the secretary of the board. Before entering on the duties of his office, he must give an official bond in the sum of twenty thousand dollars, and take and subscribe an official oath. Said bond must be approved by the board, by written indorsement thereon, and be filed with such oath in the office of the secretary of state. The attorney shall attend to the prosecution and defense of all suits, and render such legal service as may be required of him by the board. The chief engineer must prepare such plans and specifications as the board may direct, and if adopted and the work ordered

Duties of secretary.
Office hours.

Must keep proper books of account.

Returns and accounts of wharfingers.

Contracts to be recorded.

Bond and oath of secretary.

Approval of bond.

Duties of assistant secretary.

Bond and oath of assistant secretary.

Duties of attorney.

Duties of chief engineer.

by the board to be done, must superintend its construction. He must give constant attention to the condition of the seawall and thoroughfare, of the sheds, wharves, piers and landings, of the streets or parts thereof under the jurisdiction of the board, and when repairs are needed must forthwith report to the board, in writing, their nature and extent, and if ordered by the board must have the same done at once. He must keep himself informed as to the depth of water in the various docks and slips, and report to the board from time to time what dredging is required. He must keep a register, properly indexed, showing the date, place, and character of every piece of work done and dock dredged, when begun and when finished, with proper descriptions and drawings. He must take and subscribe an official oath, and give a bond in the sum of ten thousand dollars, to be approved by the board by written indorsement thereon. Said bond and oath must be filed in the office of the board. The chief wharfinger must station, berth, and regulate the position of vessels in the docks and harbor, and cause them to remove from time to time, and from place to place, as the general convenience, safety and good order may require. Subject to such regulation, he must assign berths to vessels in the order of their application after entering the harbor. He must supervise the wharfingers, and report to the board all cases of failure to perform their duties, and require all shipmasters, consignees, pilots, and masters of towboats to conform to the regulations of the board. He must require the docks, slips, wharves, piers, and other premises under the jurisdiction of the board to be kept free of all obstructions, and when parties fail to obey his order to remove the same, he must forthwith report the fact to the board, and execute their order in relation thereto. He must take and subscribe an official oath, and give such official bond as the board may require, subject to their approval, to be indorsed thereon. Said bond and oath must be filed in the office of the board. The wharfingers shall have supervision of the wharves to which they are assigned, and must require the regulations of the board and orders of the chief wharfinger to be respected and obeyed, and good order be preserved thereon. The collectors must collect the revenues in such manner as the board may direct, and must daily account for and pay all moneys into the office. The wharfingers and collectors must each take and subscribe an official oath, and give such official bond as the board may require, subject to their approval, to be indorsed thereon; said bond and oath to be filed in their office. All

Register of
work done.

Bond and
oath of
chief
engineer.

Duties of
chief
wharfinger.

Must assign
berths.

Supervise
wharfingers.

Must remove
obstructions.

Bond and
oath of chief
wharfinger.

Duties of
wharfingers.

Duties of
collectors.

Bonds and
oath of
wharfingers
and col-
lectors.

the above named officers must perform such other duties pertaining to their positions as the board may from time to time prescribe. The board may, in its discretion, employ an assistant to the chief engineer, an assistant to the chief wharfinger, a draughtsman, a superintendent of dredgers, and such men on the dredgers, scows, towboats and fire boats, and in doing urgent repairs, as they deem advisable, and prescribe their bonds, duties and compensation; such employees shall hold their positions and be removable at the pleasure of the board; but no officer or employee of the board shall be removed or otherwise prejudiced for refusing to contribute to any political fund, or to render any political service; nor shall the board, collectively or individually, use their official influence to coerce the political action of any such officers and employees. Nor shall the state dredgers be employed to dredge slips not under the control of the state, nor private work of any character. [*Amendment approved March 21, 1887; Statutes and Amendments, 1887, p. 222.*]

Board may employ other assistants.

Removal of officers or employees.

Ford vs. Harbor Commissioners, 81 Cal. 23-33;
People vs. Fairfield, 90 Cal. 187;
People vs. La Rue, 95 Cal. 77;
Union Transportation Co. vs. Bassett, 118 Cal. 609.

SEC. 2523, POLITICAL CODE. ACTIONS FOR PROPERTY, MONEY AND REMOVAL OF OBSTRUCTIONS.

The commissioners may institute and prosecute to final judgment actions in the name of the people of the State of California for the possession of any portion of the premises described in this article, situate between the inshore line, or line nearest the mainline and the line off shore, six hundred and fifty feet therefrom, and parallel therewith, or for the annulling of any lease or contract entered into by the commissioners in behalf of the state, by virtue of any general or special law, or for the collection of any money due or that may become due the state by authority of this article; and the commissioners may also institute and prosecute to final judgment actions for the removal of all unlawful obstructions in or upon said premises, or for the removal of all unlawful obstructions in or upon the streets through the center of which the inshore line, or line nearest the mainland bounding said premises, runs. They may also remove any unlawful obstructions thereon after the owner, possessor, or occupant of such obstructions shall have five days' notice, in writing, to remove the same, either served on such owner, possessor, or occupant, or

Commissioners may sue in name of people for possession of premises;

Or for money due state;

Or to remove obstructions.

Obstructions, how removed.

posted upon said obstruction by the chief wharfinger, assistant wharfinger, or wharfinger. [*Amendment approved February 28, 1876; Amendments 1875-76, p. 35; took effect from passage.*]

People vs. La Rue, 95 Cal. 77;

People vs. Pacific Imp. Co., 130 Cal. 448 (cited in *Estate of Brewer*, 156 Cal. 93);

Bateman vs. Colgan, 111 Cal. 580-583.

SEC. 2524, POLITICAL CODE. JURISDICTION OF BOARD.

Possession
and control
of what
portion of
bay of San
Francisco.

Boundaries.

The commissioners shall have possession and control of that portion of the bay of San Francisco, together with all the improvements, rights, privileges, easements, appurtenances connected therewith, or in any wise appertaining thereto, for the purposes in this article provided (excepting such parcels thereof as are held by the lessees, or their assigns, on valid leases, which parcels so held it is hereby made the duty of the commissioners to take possession of, together with the improvements thereon, as soon as said leases terminate, and also to see that the lessees, or their successors or assigns, do not exercise rights and privileges that are not conferred by said leases), bounded as follows, to wit: Commencing at the point where the easterly line of the Presidio reservation intersects the water-line front, as established by the board of state tide land commissioners; thence easterly along said water-line front to the center of Webster street; thence southerly along the center of Webster street to the center of Lewis street; thence easterly along the center of Lewis street to the center of Polk street; thence southerly along the center of Polk street to the center of Tonquin street; thence easterly along the center of Tonquin street to the center of Larkin street; thence southerly along the center of Larkin street to the center of Jefferson street; thence easterly along the center of Jefferson street to the center of Powell street; thence southerly along the center of Powell street to the center of Beach street; thence easterly along the center of Beach street to the center of Dupont street; thence southerly along the center of Dupont street to the center of North Point street; thence easterly along the center of North Point street to the center of Kearny street; thence southerly along the center of Kearny street to the center of Francisco street; thence easterly along the center of Francisco street to the center of Montgomery street; thence southerly along the center of Montgomery street to the center of Chestnut street;

thence easterly along the center of Chestnut street to the center of Sansome street; thence southerly along the center of Sansome street to the center of Lombard street; thence easterly along the center of Lombard street to the center of Battery street; thence southerly along the center of Battery street to the center of Greenwich street; thence easterly along the center of Greenwich street to the center of Front street; thence southerly along the center of Front street to the center of Vallejo street; thence easterly along the center of Vallejo street to the center of Davis street; thence southerly along the center of Davis street to the center of Pacific street; thence easterly along the center of Pacific street to the westerly line of East street; thence southerly along the westerly line of East street to the center of Folsom street; thence westerly along the center of Folsom street to the center of Steuart street; thence southerly along the center of Steuart street to the center of Harrison street; thence southerly on a direct line with said Steuart street two hundred and fifty-three feet nine inches, to the center of a street the name of which is not on the map; thence at right angles westerly along the center of said street to the center of Spear street; thence southerly along the center of Spear street to the center of Bryant street; thence westerly along the center of Bryant street to the center of Beale street; thence southerly along the center of Beale street to the center of Brannan street; thence westerly along the center of Brannan street to the center of First street; thence southerly along the center of First street to the center of Townsend street; thence westerly along the center of Townsend street five hundred and fifty feet, to the center of a street the name of which is not on a map; thence at right angles southerly along the center of said street to the center of King street; thence westerly along the center of King street to the center of Second street; thence southerly along the center of Second street to the center of Berry street; thence westerly along the center of Berry street to the center of Third street; thence southerly along the center of Third street to the northerly line of Channel street; thence westerly along the last-mentioned line to the easterly line of Fifth street; thence southerly along said last-mentioned line to the southerly line of said Channel street; thence easterly along said last-mentioned line to the center of Kentucky street; thence southerly along the center of Kentucky street to the center of Fourth street; thence along the center of Fourth street to the center of Louisiana street; thence southerly along the center of Louisiana

Boundaries.

street to the center of El Dorado street; thence westerly along the center of El Dorado street to the center of Illinois street; thence southerly along the center of Illinois street to the center of Solano street; thence easterly along the center of Solano street to the water front line established by the board of state tide land commissioners; thence southerly along said last-mentioned line to the center of Tulare street; thence westerly along the center of Tulare street to the center of Texas street; thence southerly along the center of Texas street to the center of Islais street; thence easterly along the center of Islais street to the center of Waterfront street; thence southerly along the center of Waterfront street to the center of India street; thence westerly, southerly and easterly along the center of said India street to the center of Waterfront street, to the center of China street; thence westerly along the center of China street to the center of Third avenue; thence southerly along the center of Third avenue to the northerly line of the property of the California Dry Dock Company; thence easterly along said last-mentioned line to the water front established by the board by state tide land commissioners; thence southerly along and around said Dry Dock Company's land to the southeasterly corner thereof; thence westerly along the line of said land to the center of Waterfront street; thence southerly along the center of Waterfront street to the center of Nineteenth avenue; thence westerly along the center of Nineteenth avenue to the center of Dock street; thence southerly along the line of Dock street to the center of Twenty-third avenue; thence westerly along the center of Twenty-third avenue to the center of H street; thence southerly along the center of H street to the center of Twenty-fourth avenue; thence easterly along the center of Twenty-fourth avenue to the center of Waterfront street; thence southerly along the center of said Waterfront street to the southern boundary of the city and county of San Francisco; thence along the southerly, easterly and northerly boundary lines of said city and county to a point due north of the place of commencement, and thence south to the place of commencement. But no harbor embankment or seawall shall be constructed outside of the following-named points and lines, to wit: Commencing at the point where the eastern boundary line of the Presidio reservation, extended in a northerly direction, intersects the three-fathom contour line shown upon the chart of the United States survey, and running thence in an easterly and southerly direction, upon straight or curved lines,

Seawall
boundaries.

in such a manner as to approach as near as practicable the extreme outer projections of the water-line front, as described in an act to provide for the disposition of certain property of the State of California, passed March twenty-sixth, in the year of our Lord eighteen hundred and fifty-one, to a point at or near the intersection of Second and Berry streets; thence continuing southerly, upon straight or curved lines, in such a manner as to approach as near as practicable the extreme outer projections of the water-line front, as established by the board of state tide land commissioners, to the southerly boundary of said city and county of San Francisco; and said commissioners, in addition to a general control over said premises shall have authority to use for loading and landing merchandise, with a right to collect dockage, wharfage and tolls thereon, such portion of the streets of the city and county of San Francisco, ending or fronting upon the waters of said bay as may be used for such purposes without obstructing the same as thoroughfares; and authority to rent an office in the city and county of San Francisco, between Montgomery, Market and Pacific streets and the city front; and purchase from time to time suitable books for the records of the secretary and accounts of the wharfingers, together with such stationery as may be required by the board; and to fix and regulate, from time to time, the rates of dockage, wharfage, cranage, tolls and rents; and collect such an amount of revenue therefrom as will enable the commissioners to perform the duties required of them by authority of this article. The commissioners shall construct such number of wharves as the wants of commerce shall require, and shall locate such wharves at such points and upon such lines as the board may deem most suitable for the best interests of commerce, and shall repair and maintain all the wharves, piers, quays, landings and thoroughfares the wants of commerce may require, and generally to erect all such improvements as may be necessary for the safe landing, loading and unloading, and protection of all classes of merchandise, and for the safety and convenience of passengers passing into and out of the city and county of San Francisco by water. And for the purpose of repairing said wharves, piers, quays and landings, the commissioners are hereby authorized and empowered to purchase or construct pile-drivers, and the necessary machinery to be used therewith, and employ men for operating the same; nor shall any such wharf be constructed upon such place or line as will cause any slip or dock to be less

General
authority of
commis-
sioners.

Rent office.

Purchase
books for
records.

Fix rates,
etc.

Wharves.

Repairs.

Works for
preserving
piles.

Proposals
for contract
work.

Advertise-
ment to
contain
what.

than one hundred and thirty-six feet wide at the most narrow point between the wharves. The commissioners are hereby authorized and empowered to purchase or construct works for preserving piles and timbers, and the necessary machinery to be used therewith, and operate said works, and for that purpose to employ men and purchase chemicals, or such other materials as may be necessary for the preserving of piles and timbers. The purchase of chemicals can be made without advertising for proposals therefor. When they determine that a new wharf shall be erected, or any other necessary improvement constructed, or repairs made, or dredging machines, pile-drivers, scows, steam tugs, or any necessary machinery or material obtained, the costs of which shall exceed three thousand dollars, they shall advertise for sealed proposals for a period not less than ten days, in one or more of the daily newspapers in the city and county of San Francisco. Every proposal shall be accompanied by a certified check for an amount equal to five per cent of the amount of such proposal, such check to be made payable to the order of the secretary of said board; conditioned, if the proposal is accepted and the contract awarded, and if the bidder shall fail or neglect to execute the contract and give the bond required within six days after the award is made, in that case, the said sum mentioned in said check shall be paid into the state treasury by said secretary, as liquidated damages for such failure and neglect, as a portion of the San Francisco harbor improvement fund. Such advertisement shall contain a general description of the work to be done, the material to be used, the place where to be used, and must refer to specifications, which must contain a full and accurate description of the work to be performed, the material to be used, and where it is to be used; which specifications shall be kept in the office of the secretary of the board in such manner that all persons may inspect the same during the usual business hours of all days except Sundays and holidays. On a day named in the advertisement, the commissioners shall open the bids in the presence of such bidders as are present, and award the contract to the lowest bidder, who shall furnish sufficient sureties to guarantee the performance of the work. If, in the opinion of the commissioners, the bids are too high, they may reject them, and advertise anew in like manner as before. If, in the opinion of the commissioners, the second bids are too high, they may reject them likewise, and enter into contract with responsible parties without giving

further notice. Any contract entered into without giving public notice and receiving bids, must be at least ten per cent lower than the lowest rejected bid. The board may construct such harbor embankment or seawall as shall be necessary to protect the harbor of San Francisco, and dredge such number of slips and docks as the commerce of the port of San Francisco may require, to a depth that will admit of the easy and free ingress and egress of all classes of watercraft that load and discharge cargoes at the wharves, piers, quays, landings, and thoroughfares in the harbor of San Francisco; to perform which dredging the board of state harbor commissioners are hereby authorized and empowered to purchase or construct dredging machines, scows, steam tugs, and the necessary machinery, and employ men for operating the same. When any portion of the premises described in this article shall be dredged, the sand, mud, or other substance shall be deposited in a place designated by the board, in not less than fifteen fathoms of water. All classes of water craft that use or make fast to any wharf, pier, quay, landing, or thoroughfare, and land upon or load therefrom any goods, wares, or merchandise, shall be liable and must pay the commissioners such rates of dockage as shall be fixed by authority of this article; and all such water craft as shall discharge or receive any goods, wares, or merchandise, while moored in any slip, dock, or basin within the jurisdiction of the commissioners, shall pay one half the regular rates of dockage. Any water craft that shall leave any wharf, pier, quay, landing, thoroughfare, slip, dock, or basin, unless forced to do so by stress of weather, without first paying the dockage due from such vessel, shall be liable to pay double the regular rates. The charge for wharfage and tolls shall be a lien upon all goods, wares and merchandise landed upon any of the wharves, piers, quays, landings or thoroughfares upon the premises described in this article; and the commissioners, their agents or lessees, may hold possession of any such goods, wares, or merchandise so landed as aforesaid, to secure the payment of such wharfage and tolls; and for the purpose of such lien are deemed to have possession of such goods, wares and merchandise so landed until such charge for wharfage and tolls are paid. The commissioners shall have power to make reasonable rules and regulations concerning the control and management of the property of the state which is intrusted to them by virtue of this article, and said commissioners are hereby authorized and required to make, without delay, and from time to time, and publish not less than thirty days in a daily newspaper of

May construct seawall and dredge slips.

Purchase dredgers.

Dockage, who liable for.

Penalty for leaving without paying dockage.

Tolls to be a lien on goods.

Rules and regulations.

general circulation published in the city and county of San Francisco, all needful rules and regulations not inconsistent with the laws of the state or of the United States in relation to the mooring and anchoring of vessels in said harbor, providing and maintaining free, open, and unobstructed passageways for steam ferryboats and other steamers navigating the waters of the bay of San Francisco and the fresh-water tributaries of said bay so that such steamers can conveniently make their trips without impediment from vessels at anchor or other obstacles. And said commissioners may also make all needful rules and regulations governing the removal of such vessels from the wharves and other landings, and from slips and docks as are not engaged in receiving or discharging cargo, prescribing the time during which goods, wares, and merchandise landed upon any wharf, pier, quay, landing, or thoroughfare shall be permitted to remain thereon, and may divide the same into several classes, and may, by such rules and regulations, provide that in case any such goods, wares, or merchandise remain upon any wharf, pier, quay, landing, or thoroughfare beyond the term so prescribed, the respective wharfinger may, under the order of the commissioners, remove and deposit the same in a suitable place, at the charge, risk, and expense of the owner thereof. When any goods, wares, or merchandise shall have remained upon any wharf, pier, quay, landing, or thoroughfare more than twenty-four hours, the commissioners may, in their discretion, charge such additional rates for each subsequent day as in their opinion is just and equitable. The commissioners may, in their discretion, set apart and assign for the exclusive use of the water craft used by the officers of the federal government, such convenient and safe landings as such officers may require, together with suitable premises near such landings as may be set apart and assigned for their use, upon which premises such officers may cause to be erected offices and storehouses to suit their convenience; and the commissioners shall charge a reasonable compensation per month for the use of such landings and office and storehouse premises; set apart and assign a suitable and proper locality for the use of the harbor police of the city and county of San Francisco, and also a suitable place for a boat-house station, for the exclusive use of the quarantine and health officers of said city and county, without compensation; set apart and assign, for the exclusive use of steam ferryboats, suitable slips, in which such structures may be erected as will secure the safe and convenient landing of passengers and safe landing and delivery of freight; set apart and assign suitable

Mooring of
vessels.

Extra
rates.

Landings
for use of
federal
government.

For police
use.

Quarantine
and health
officers.

For ferry-
boats.

For pas-
sengers.

wharves, berths, or landings for the exclusive use of vessels; to construct suitable sheds, gates and other temporary structures as may be necessary for the safe and convenient landing of passengers and safe landing and delivery of freight; and set apart and assign, for the sole and exclusive use of the fishermen of the city and county of San Francisco, such place or places as the said commissioners shall deem proper, sufficient, and adapted for the requirements and necessities of said fishermen; *provided*, the premises set apart by said commissioners shall be used only for the legitimate business of said fishermen, and for no other purpose; *and provided*, said commission shall not charge therefor more than the following rates: For boats over twenty-two feet and under forty feet long, one dollar per week; for boats from sixteen to twenty-two feet long, seventy-five cents per week; and for all boats less than sixteen feet long, twenty-five cents per week. The commissioners may assign suitable places for the landing of horses, cattle, sheep, swine; and when such places have been assigned, it shall be a misdemeanor for a commander of any water craft to land any greater number than ten at any one time from any water craft at any other place. The commissioners may set apart, for the uses and purposes of dry docks and marine railways, such portions of the water front northwesterly of the northerly end of Kearny street, and southerly of the easterly end of Solano street, as the wants of commerce may require. The commissioners shall not have the right to renew any lease, or to lease any premises under their control for any purpose whatever, except as otherwise specially provided, but they may permit any property under their control to be used by any corporation, firm, association, person, or company, but in no case shall any corporation, firm, association, person, or company enjoy the use of any of the property under the commissioners' charge, except such use as shall be terminated as herein provided; and the said commissioners may condemn, purchase, and pay a reasonable compensation for such structures as may have been erected upon the said premises, which structures, in the opinion of the board and engineer may be useful for such commercial purposes as this article is intended to promote. No person or company shall land or remove any goods, wares or merchandise, or other things, upon or from any wharf, pier, quay, landing, or thoroughfare situated upon the premises described in this article; nor shall any corporation, firm, association, company or person collect dockage, wharfage, cranage, or toll within

For fishermen.

For horses, etc.

For marine railways.

Lease of premises.

Permits to land goods, etc.

the boundaries of the premises described in this article, without first obtaining permission to do so from said commissioners. Any use permitted of the property by the commissioners may be terminated at any time by them, on thirty days' previous notice to the party or parties so using the same. Said board may, when the wants of commerce require, lay down such number of tracks along and on any portion of said water front as may be necessary to meet such wants, and permit the use thereof to any corporation or association, or any person or persons, under such rules, regulations, and at such compensation as said board may determine; and make such agreements with persons, firms and corporations owning spur or industry tracks relative to the use by the state of such tracks as said board may determine to be necessary; *provided*, that no special privileges shall be awarded thereon to any corporation, association, person or persons; *provided*, that nothing herein shall apply to or restrict the use of any premises leased for terminal facilities under or by reason of an act of the legislature entitled "An act to amend an act entitled 'An act to amend an act entitled "An act to amend section six of an act entitled 'An act concerning the water front of the city and county of San Francisco,' approved March fifteenth, eighteen hundred and seventy-eight, and to confer further powers upon the board of state harbor commissioners," approved March seventeenth, eighteen hundred and eighty,' approved March nineteenth, eighteen hundred and eighty-nine, conferring further powers upon said board," approved March twenty-sixth, eighteen hundred and ninety-five, and which has not been declared forfeited by the board of harbor commissioners; *and provided*, *further*, that switches from said railroad track or tracks may, with the permission of said board, and under the limitations and conditions of this act, be constructed by corporations, or any person or persons, leading to any warehouse or place of business. Nor shall any person or company place, or cause to be placed, any obstructions in that portion of the bay of San Francisco described in this article, nor upon any wharf, pier, quay, landing, or thoroughfare, without the consent of the board. Whenever any wharf, pier, quay, landing, or thoroughfare in the harbor of San Francisco shall be incumbered, or their free use interfered with, by goods, wares, merchandise, or other substance, whether loose, or built upon, or fixed to any such wharf, pier, quay, landing, or thoroughfare, it shall be the duty of the commissioners to notify, in writing (which

Spur
tracks.

Premises
leased for
terminal
facilities.

Switches.

Obstruc-
tions.

service may be served by a wharfinger, or the secretary or assistant secretary of the board), the owner, agent, or occupant, or person placing or keeping such obstruction thereon, to remove the same within twenty-four hours after the serving of such notice; and in case of failure to comply with such notice, and remove such obstructions, the owner, agent, occupant, or person notified shall be liable to pay the commissioners the sum of twenty-five dollars for each and every day during which such obstruction shall remain upon any such wharf, pier, quay, landing, or thoroughfare; and the commissioners shall have power, in their discretion, to remove any such incumbering substance, and store the same in any suitable, convenient, and safe place, and a sum equal to the amount of the expenses of the removal, together with all other necessary charges, shall be paid by the owner of such incumbering substance to the commissioners, and such sum and necessary charges shall be a lien on such substance until paid. Dockage shall not be collected on any vessel lying at anchor outside of dock, wharf, or slip. Nothing in this section shall be construed as authorizing the board of harbor commissioners to construct any railroad along and upon any open canal extending inland from said water front. But said harbor commissioners may, when a water front railroad shall be constructed by them, construct the same across the outlet of such open canals. [*Amendment approved March 10, 1909; Statutes and Amendments 1909, p. 237.*]

Notice to
remove
obstruc-
tions.

Railroads
along open
canals.

People vs. Pacific R. M. Co., 60 Cal. 326;
People vs. San Francisco G. L. Co., 60 Cal. 350;
People vs. Williams, 64 Cal. 502;
Ford vs. Harbor Commissioners, 81 Cal. 30, 35, 36;
People vs. Roberts, 92 Cal. 664;
Payne vs. English, 101 Cal. 15;
Morton vs. Pacific Coast S. S. Co., 122 Cal. 352.

SEC. 2524a, POLITICAL CODE.

The board of state harbor commissioners shall have power to set apart and assign any property under their control, for a period not exceeding ten years, to any corporation, club or association organized for the purpose of developing and promoting aquatic sport; *provided*, that no property shall be set apart under provisions of this section to any corporation, club, or association the object of which is pecuniary profit; *and provided, further*, that when any property has been set apart under the provisions of this section to any corporation, club or association, and such corporation, club or association shall cease to be actively engaged in the prosecution of the object

Power of
state
harbor
commis-
sioners to
set apart
property
for aquatic
sports.

and purposes for which it was organized or incorporated, such assignment shall thereupon cease and determine as to such corporation, club, or association. [*Statutes 1907, p. 43.*]

SEC. 2525, POLITICAL CODE. EXTENSION AND SUPERVISION OF STREETS ALONG WATER FRONT.

The board of state harbor commissioners are authorized to extend any of the streets lying along the water front of said city and county, to a width not exceeding one hundred and fifty feet, where they have not been already so extended. The outer half of such streets must be constructed or built and maintained in good repair by the state harbor commissioners, or parties holding under them, and may be used as a landing place or pier, on which dockage, wharfage and tolls may be collected. And until such extensions are made the commissioners may have and use as a landing place, with full power to collect dockage, wharfage, and tolls thereon, so much of the streets now fronting upon the water front as may be used for such purpose without obstructing the same as a thoroughfare. The inner half of such streets shall be constructed and maintained in good repair by the owners of the lots abutting thereon and the city and county of San Francisco. The commissioners are authorized to construct, across the outer half of said streets, an extension of the sewers of said city and county. If it be necessary to take any land for the purpose of widening any such street, the commissioners are hereby authorized to institute and prosecute to final determination proceedings therefor in conformity with the provisions of part III, title VII, of the Code of Civil Procedure, and to pay such compensation as may be assessed for such land taken. When it becomes necessary for the commissioners to construct any wharves on the line of the water front, they are authorized to adopt and pay for any structures which would form part of such wharves, and which have been constructed along such line by private parties prior to the passage of this act. [*Amendment approved April 3, 1876; Amendments, 1875-76, p. 51; took effect from passage.*]

People vs. Pacific R. M. Co., 60 Cal. 326;

People vs. San Francisco G. L. Co., 60 Cal. 350.

SEC. 2526, POLITICAL CODE. LIMIT OF MONEY TO BE COLLECTED.

No greater amount of money shall, in the main, ever be collected, by the collection of dockage, wharfage, tolls, rents, and cranage, than shall be necessary to construct and keep in repair such number of wharves, piers, landings, and thorough-

Board to extend width of streets.

Outer half of street to be maintained by board, and may use as pier.

May collect wharfage, etc., thereon.

Inner half of streets to be maintained by owners, etc.

Board to extend sewers.

May condemn land.

Commissioners may buy private structures.

Limit of money to be collected by board.

fares, construct sheds, dredge such number of slips and docks, construct a seawall and harbor embankment, and pay incidental expenses allowed to be paid by this article. [*Amendment approved February 28, 1876; Amendments 1875-6, p. 43; took effect from passage.*]

Bateman vs. Colgan, 111 Cal. 583.

SEC. 2527, POLITICAL CODE. REQUISITES OF VALID CONTRACTS.

No contract or obligation entered into by the harbor commissioners, which creates a liability or authorizes the payment of money, shall be valid or of binding force unless signed by all three of the commissioners, and countersigned by the secretary of the board; nor shall any contract, involving the payment of money, be made by the said commissioners unless the amount then to the credit of the harbor improvement fund, together with the revenue estimated to accrue up to the time of the maturity of such contract, over and above the current expenses of the commission, be sufficient to meet the payments to become due thereon; *provided*, such estimate of revenue shall be limited, as to time, to fifteen (15) years. Where the work to be done is the construction of a new wharf, bulkhead, or breakwater and its appurtenances, the board may lease said wharf, bulkhead, or breakwater and its appurtenances for a period not to exceed fifteen years, and for an amount not to exceed the cost of constructing said work, the rents therefrom to be applied, in whole or in part, in payment for the cost of such construction, and said board may provide in the contracts for the same that the rents therefrom shall be so applied, or the work be paid for, in whole or in part, from such rents and revenues.

Contracts;
when valid.

Construction
of new
work.

SEC. 2. All leases hereunder shall be made upon competitive bids after such public advertisement as the commissioners shall deem sufficient, inviting proposals or bids therefor, and shall be awarded to the person who will pay the amount required to construct such improvement, and execute and take a lease thereof for the shortest period of such time. [*Statutes 1903, p. 270; in effect March 20, 1903.*]

Leases.

Talcott vs. Blanding, 54 Cal. 292;

Ford vs. Harbor Commissioners, 81 Cal. 23;

Bateman vs. Colgan, 111 Cal. 583;

Pac. Coast S. S. Co. vs. Kimball, 114 Cal. 415.

SEC. 2528, POLITICAL CODE. DISPOSITION OF MONEYS COLLECTED.

Disposition
of moneys
collected.

All moneys collected shall be paid into the state treasury, and be credited to the San Francisco harbor improvement fund, at least once in each month, except so much thereof as may be necessary to pay the salaries of officers, office rent, cost of office furniture, books, stationery, lights, fuel, expense of dredging, expense of pile-driving and piles, expense of preserving piles and timber, cleaning the wharves and bulkheads, legal and other incidental expenses, and in addition ten thousand dollars per month for urgent repairs, which last sum, if so much be required, may be used in repairing the wharves, piers, landings, thoroughfares, sheds, and other structures, and the streets bounding on the water front under the jurisdiction of the board, without advertising for proposals therefor. Such moneys may be remitted to the state treasurer by express. [*Political Code, amendment approved June 14, 1906; Statutes 1906, p. 38; this section modified by Statutes 1899, p. 110.*]

Bateman vs. Colgan, 111 Cal. 580, 583.

SEC. 2529, POLITICAL CODE. VOUCHERS, DRAFTS AND WARRANTS.

Commissioners
to take
vouchers.

The commissioners shall take vouchers for all sums of money by them expended under the authority of this article, excepting fifty dollars per month for postage stamps, express, and other incidental expenses, and safely keep the same on file in the office of the board. For all sums of money paid by the commissioners, excepting those mentioned in section twenty-five hundred and twenty-eight, drafts shall be drawn by them on the controller of state, countersigned by the secretary of the board, and the controller of state shall draw his warrant on the state treasurer, who shall pay the same out of any money in said treasury credited to the San Francisco harbor improvement fund. No warrant shall be drawn by the controller upon the treasurer of the state, as provided in this action, unless the order bears the signatures of all three commissioners, and of the secretary of the board. [*Amendment approved February 28, 1876; Amendments 1875-6, p. 44; took effect from passage.*]

Payments
to be made
by drafts on
controller.

Order, how
to be
signed.

53 Cal. 201.

SEC. 2530, POLITICAL CODE. REPORTS AND RECEIPTS.

On the payment to the state treasurer of any sum of money, the secretary and the state treasurer must report to the state controller the amount so paid, and the treasurer must give the secretary a receipt for the same. Such payments shall be considered as payments into the state treasury, and the treasurer shall be responsible on his official bond therefor. [*Amendment approved March 21, 1887; Statutes and Amendments 1887, p. 222; partially repealed, Statutes 1899, p. 110.*]

Proceedings
on receipt of
moneys by
state
treasurer.

SEC. 2531, POLITICAL CODE. EX OFFICIO MEMBERS OF BOARD.

The governor of the state and the mayor of the city and county of San Francisco are hereby made ex officio additional members of the board of state harbor commissioners, for the special purposes herein mentioned, and shall take part in the action of the board as hereinafter provided. [*Amendment approved February 28, 1876; Amendments 1875-76, p. 45; took effect from passage.*]

Ex officio
members
of board.

Ford vs. Harbor Commissioners, 81 Cal. 34.

SEC. 2532, POLITICAL CODE. NEW SEAWALL FOR SAN FRANCISCO HARBOR.

The board of state harbor commissioners are hereby authorized and empowered and directed, within six months from and after the passage of this act, to employ two consulting civil engineers, to act in concert with the engineers of the board, to make a survey, select, and locate a new line for a harbor embankment or seawall, and make a report of their doings to said commissioners, who shall, after receiving the same, appoint a time for holding, at the office of the board, a special meeting of the board, to consider the question of the adoption or rejection of the same. The board shall, at least ten days previous to said meeting, notify the governor of the state and the mayor of the city and county of San Francisco, of the time, place, and object of said meeting of said board, and shall request them to be present and take part in the consideration of the question; and at said meeting, or any adjourned meeting thereof, the governor and mayor shall be deemed additional members of said board, with like powers and rights as the other members thereof. If they are not present at the meeting the board shall adjourn to a day certain, and notify them anew, as before: and

To make
survey for
new line of
seawall.

Special
meeting
of board.

Notice
of such
meeting.

Governor
and mayor
to be additional
members of
board.

Adjourned
meeting.

if either be present at the adjourned meeting, with three commissioners, action may be had, and an affirmative vote of all four present shall determine the question; any less vote shall be a negative vote. But the board may order new surveys and location, which may be adopted or rejected in like manner as before. If the vote is in the affirmative, the line adopted shall be thenceforth the line of the harbor embankment and seawall of the port of San Francisco. [*Amendment approved February 28, 1876; Amendments 1875-6, p. 45; took effect from passage.*]

Establish-
ment of line
of seawall.

SEC. 2533, POLITICAL CODE. SAN FRANCISCO HARBOR IMPROVEMENT FUND.

Moneys,
how kept
by treasurer
of state.

On and after the passage of this act the treasurer of the state shall keep the money remitted to him by the board of state harbor commissioners, to the credit of a fund to be known as the San Francisco harbor improvement fund. All moneys in the state treasury to the credit of the state wharf and dock fund shall be transferred by the state treasurer to the San Francisco harbor improvement fund, and the state wharf and dock fund account shall be closed, and the state treasurer shall notify the board of such transfer, after which all drafts drawn by the board shall be paid by the treasurer out of the San Francisco harbor improvement fund. [*Amendment approved February 28, 1876; Amendments 1875-6, p. 45; took effect from passage.*]

San Fran-
cisco harbor
improvement
fund.

Drafts on
such fund.

SEC. 2534, POLITICAL CODE. (REPEALED.)

SEC. 2535, POLITICAL CODE. STATE TREASURER'S RECEIPTS. DISBURSEMENTS AND ACCOUNT BOOKS.

State treas-
urer to have
charge and
to keep
account of
the San
Francisco
harbor im-
provement
fund.

The state treasurer shall receive all moneys paid by the state harbor commissioners, and keep the same in a separate fund, to be known as the San Francisco harbor improvement fund, and pay the same out as provided for in this article; and shall keep an accurate account of all moneys received by him and paid out, under the authority of this article, in books kept solely for that purpose, which said books shall be open at all times to the inspection of the governor and controller of state, and of any committee appointed by the legislature, or by either branch thereof. [*Amendment approved February 28, 1876; Amendments 1875-6, p. 46; took effect from passage.*]

SEC. 2536. POLITICAL CODE. PROPOSALS AND CONTRACTS FOR
CONSTRUCTION OF NEW SEAWALL.

When the commissioners determine to construct any part of the seawall, they must advertise for sealed proposals for not less than thirty days in not less than two daily papers in San Francisco. The advertisement must give a full and accurate description of the work to be done, the place where to be done, and the material to be used. On the day stated in the advertisement the bids must be opened in the presence of such bidders as are present, and the contract awarded to the lowest bidder, who shall give a bond, with two or more responsible sureties, to be approved by the commissioners, for the due performance of the work. Their approval must be indorsed on said bond. If, in the opinion of the commissioners, the bids are too high, they shall reject them and advertise anew, in like manner as before. And if, in the opinion of the commissioners, the second bids are also too high, they shall reject them likewise, and may enter into a contract with responsible parties, without giving further notice. The parties entering into a private contract with the commissioners must give a bond, with two or more responsible persons as sureties, to be approved by the commissioners, which approval shall be by writing, indorsed upon said bond, conditioned for the faithful performance of the contract. But the consideration agreed to be paid in any contract entered into without giving public notice must be five per cent lower than the lowest responsible bid rejected. The work to be performed under any one contract shall not exceed one thousand lineal feet of harbor embankment or seawall. But the commissioners may enter into as many contracts at the same time as they deem expedient; *provided*, the amount in the harbor improvement fund, together with the revenue estimated to accrue pursuant to section twenty-five hundred and twenty-seven of the Political Code, shall be sufficient to meet the contract price of such work, after deducting the current expenses of the commission and the amount required for the erection and repair of the wharves, dredging the docks and slips, and for incidental expenses; but in no event shall the state be liable on such contracts for any deficiency in the harbor improvement fund. Separate contracts may be entered into for the dredging of a channel for the reception of the rock required for construction of a harbor embankment; *provided*, that the advertising of sealed proposals, the receiving and opening of bids, and the awarding of contracts required in this

Advertisement for sealed proposals for construction of seawall.

Advertisement, what to contain.

Opening of bids.

Bond of successful bidder.

Approval of bond.

May reject all bids.

Bond on private contract.

Limitation as to private contract.

No contract to exceed 1,000 feet of seawall.

Limitations as to contracts.

Construction by separate contracts.

Same rules to apply.

Commissioners may dredge.

Requirements of contract.

Notice of meeting to governor and mayor.

Additional members of board.

Consent of governor or mayor.

No commissioner or appointee to be interested in contract.

Proposals to be accompanied by check.

Checks to be forfeited on failure to give bond.

Contracts to provide for no Chinese employment.

section shall be complied with in the letting of such work in separate contracts. The commissioners may, if in their opinion it will be more economical, dredge, with the dredge belonging to the state, the channel necessary for the reception of the stone used in the construction of the seawall. No contractor who enters into a contract to construct any portion of said seawall shall be required to commence the work in less than thirty days after the awarding of the contract. The board shall, at least ten days previous to the holding of any meeting as provided in this section, notify the governor of the state and mayor of the city and county of San Francisco of the time and place and object of the meeting, and request them to be present and take part therein; and at said meeting the governor and mayor shall be deemed additional members of said board, with like powers and rights as the other members thereof; and no contract shall be entered into under the authority of this section without the consent of either the governor or mayor. Neither the commissioners nor their appointees shall be interested in any contract for the erection or repairing of any work upon the premises described in this article. Any commissioner or appointee who shall be interested is guilty of a felony. Every proposal shall be accompanied by certified check for an amount equal to five per cent of the amount of such proposal, to be made payable to the order of the secretary of the board, conditioned that if the proposal is accepted and the contract awarded, and if the bidder shall fail or neglect to execute the contract and give the bond required within six days after the award is made, in that case said sum mentioned in said check shall be deemed liquidated damages for such failure and neglect, and shall be paid into the San Francisco harbor improvement fund, and all contracts made pursuant to this title shall provide, under penalties of forfeiture of contract, at the option of the commissioners, that no Chinese or Mongolian labor shall be employed on such work. [*Amendment approved March 19, 1878; Amendments 1877-8, p. 48; took effect from passage.*]

SEC. 2537, POLITICAL CODE. REPORT OF COMMISSIONERS TO GOVERNOR.

Commissioners to make report to governor every two years.

The commissioners shall, on or before the first day of November, A. D. eighteen hundred and seventy-seven, and every two years thereafter, make to the governor a full report of all moneys by them received and disbursed, stating specifically

for what the same was received and for what purpose expended, and shall give a concise account of all improvements made, and the general condition of the property under their charge. [*Amendment approved February 28, 1876; Amendments 1875-6, p. 47; took effect from passage.*]

SEC. 2538, POLITICAL CODE. MAPS OF CHANGES IN LINES OF WATER FRONT OR STREETS.

In case the lines of the water front of the city and county of San Francisco, or the lines of any of the streets of said city and county ending at said water line, shall be changed by authority of this article, the commissioners shall cause to be made two accurate maps of survey showing such change, which maps shall be dated, certified, and signed by the engineer of the board and commissioners, and one filed in the office of the recorder of said city and county, and the other in the office of the board. After being so filed, they shall be considered and treated as official maps by all courts of record in the state. [*Amendment approved February 28, 1876; Amendments 1875-6, p. 48; took effect from passage.*]

In case of change of water front commissioners to make map.

Such map to be filed.

SEC. 2539, POLITICAL CODE. OFFICE AND DUTIES OF CHIEF WHARFINGER.

The chief wharfinger shall keep an office in some convenient place upon the city front, between Market and Pacific streets, which shall be kept open every day (Sundays and holidays excepted) from seven a. m. till six p. m. The commissioners shall furnish a suitable building for an office, for the exclusive use of said chief wharfinger and assistant chief wharfinger, with suitable office furniture. It shall be the duty of the chief wharfinger to execute and enforce the rules and regulations which may be established by said board of state harbor commissioners pursuant to the provisions of this article. And it shall be the duty of all pilots, masters of tugboats, masters, owners and consignees of vessels, to obey all lawful orders and directions of the chief wharfinger in relation to the stationing, anchoring and removing of vessels under and pursuant to such rules and regulations. The chief wharfinger is empowered to determine cases of collision, by consent of all parties interested, and where damages do not exceed three hundred dollars the decision is final. [*Amendment approved February 28, 1876; Amendments 1875-76, p. 48; took effect from passage.*]

Office of chief wharfinger.

Duties of chief wharfinger.

Powers of chief wharfinger.

People vs. Fairfield, 90 Cal. 186, 187;

Union Transportation Co. vs. Bassett, 118 Cal. 604.

SEC. 2540, POLITICAL CODE. DUTIES OF CHIEF WHARFINGER AS TO ABANDONED WATER CRAFT AND BOATS ADRIFT.

In addition to the duties required to be performed by the chief wharfinger by any section in this article preceding this section, he shall take in charge all abandoned water craft and all boats picked up adrift, and secure the same, after which he shall advertise, for one week, in one of the daily newspapers printed in the city and county of San Francisco, giving the full particulars pertaining to the same, and request all parties interested to appear and establish their title or claim thereto, within twenty days from the last publication. If claimed within said period, such property shall be delivered to the owner on payment of all costs of removing, securing, and advertising the same. If not claimed within said period, or if the owner fails to pay the charges, such property shall be sold by the chief wharfinger to the highest bidder, at public auction, and the proceeds, less the costs, shall be paid the owner, if claimed by him, or if not claimed by the owner, shall be paid to the board of state harbor commissioners; but the owner shall be entitled to receive from said board the amount so paid, if he shall claim the same within one year from the date of said payment. For the purposes of this section, the harbor of San Francisco shall be the tide waters of the city and county of San Francisco, and the jurisdiction of the chief wharfinger shall, when performing the duties required by this section, be coextensive with such tide waters. [*Amendment approved February 28, 1876; Amendments 1875-6, p. 48; took effect from passage.*]

SEC. 2541, POLITICAL CODE. FAILURE TO OBEY LAWFUL ORDERS OF CHIEF WHARFINGER.

If any master, agent, or owner of any water craft shall refuse or neglect to obey the lawful orders or directions of the chief wharfinger in any matter pertaining to the regulations of said harbor, or the removal or stationing of any water craft, such master, agent, or owner so refusing or neglecting is guilty of a misdemeanor, and upon conviction thereof, before any court of competent jurisdiction, shall be punished by a fine not to exceed three hundred dollars, or by imprisonment not to exceed one hundred days in the jail of the city and county of San Francisco. [*Amendment approved February 28, 1876; Amendments 1875-6, p. 49; took effect from passage.*]

Additional
duties and
powers
of chief
wharfinger.
Abandoned
water craft.

To be sold if
unclaimed.

Extent of
such juris-
diction.

Penalty for
refusal to
obey orders
of chief
wharfinger.

SEC. 2542, POLITICAL CODE. OBSTRUCTIONS TO NAVIGATION.

All persons are forbidden to deposit, or cause to be deposited, in the waters of the harbor of San Francisco, as described in the preceding sections, any substance that will sink and form an obstruction to navigation, without first obtaining permission, in writing, of the board of state harbor commissioners, which permission shall describe, with an ordinary degree of certainty, the place where such deposit may be made, and the secretary of the board shall record such permission. Any person violating the prohibition contained in this section is guilty of a misdemeanor, and upon conviction thereof, before a court of competent jurisdiction, shall be fined not less than one hundred or more than five hundred dollars, or imprisonment in the jail of the city and county of San Francisco not less than thirty nor more than ninety days; *provided*, that nothing herein shall be construed to prevent or interfere with the construction of works now in progress in connection with the Oakland harbor. [*Amendment approved February 28, 1876; Amendments 1875-6, p. 49; took effect from passage.*]

Obstructions
in harbor.Permission
of board.Penalty for
obstructions.

SEC. 2543, POLITICAL CODE. FAST DRIVING ON WHARVES PROHIBITED.

It shall not be lawful for any person to drive a horse or mule, or any vehicle drawn by one or more horses or mules, used in the removal of merchandise upon any wharf, pier, quay, landing, or thoroughfare, faster than a walk. Any person violating the prohibition in this section contained is guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction, shall be fined not less than twenty dollars, or imprisoned in the county jail of the city and county of San Francisco not less than ten days. [*Amendment approved February 28, 1876; Amendments 1875-6, p. 49; took effect from passage.*]

Speed of
vehicles,
etc., over
wharves.Penalty for
violation.

SEC. 2544, POLITICAL CODE. POLICE COURT TO HAVE JURISDICTION.

The police judge's court of the city and county of San Francisco shall have jurisdiction to try all cases of misdemeanor arising under this article. [*Amendment approved February 28, 1876; Amendments 1875-6, p. 50; took effect from passage.*]

Police court
to try
offenses.

SEC. 2545, POLITICAL CODE. QUALIFICATION OF OFFICERS.

Qualifica-
tion of
officers and
employees.

No person shall be appointed to any office by virtue of this article, nor be employed in the service of the board, unless he be a qualified elector of the state; nor shall any person be so appointed or employed who is interested in any vessel sailing or plying in and out of, or on the inland waters of the bay of San Francisco, as owner, mortgagee, or otherwise, or as a stockholder in any company owning such vessels, or who is the consignee, the general or freight agent, or manager of any such vessels, or agent or other employee of the owner of any such vessels, or who is engaged in the business of marine insurance, or of procuring such insurance, or who is engaged as a stevedore in loading or discharging such vessels. No person not a citizen of the United States shall be employed, either as contractor or laborer, on any work done under this article. And eight hours shall constitute a legal day's work, whether performed directly for the state or for the person or persons receiving a contract under this article. [*Amendment approved March 21, 1887; Statutes and Amendments 1887, p. 232.*]

No agent or
consignee
of vessels.

Must be
citizens
of the
United
States.

Eight hours
legal day's
work.

SEC. 2546, POLITICAL CODE. OFFICIAL BONDS.

All official bonds required to be given by authority of this article shall be to the people of the State of California. [*Amendment approved February 28, 1876; Amendments 1875-6, p. 50; took effect from passage.*]

Official
bonds in
name of
people.

SEC. 2547, POLITICAL CODE. SEAL.

The board of state harbor commissioners shall procure and adopt a seal. [*Amendment approved February 28, 1876; Amendments 1875-6, p. 50; took effect from passage.*]

Seal of
board.

SEC. 2548, POLITICAL CODE. WHEN NO TOLL OR WHARFAGE TO BE COLLECTED.

No tolls or wharfage shall be collected from travelers going on board, or leaving, any steamer or ferry, or upon their carriages or baggage, nor from any person or vehicle employed to transport or convey said baggage to or from any steamer or ferry; nor for empty packages returned to the wharf or any vessel; nor for domestic supplies for private individuals,

Exemptions
from tolls
and
wharfage.

intended for consumption and not for sale, weighing less than one hundred pounds. [*Amendment approved March 29, 1878; Amendments 1877-8, p. 50; took effect from passage.*]

SEC. 2549, POLITICAL CODE. COLLECTIONS AND PAYMENTS IN COIN ONLY.

The revenue collected and disbursed by authority of this article shall be gold and silver coin of the United States. (Gold and silver coin only.)
 [*Amendment approved February 28, 1876; Amendments 1875-6, p. 50; took effect from passage.*]

SEC. 2550, POLITICAL CODE. WHARFINGERS AND COLLECTORS TO BE SPECIAL POLICEMEN.

It is hereby made the duty of the board of police commissioners of the city and county of San Francisco to appoint such number of wharfingers and toll collectors special policemen as such commissioners shall request, in writing, such police commissioners to appoint, and also shall furnish such special policemen the usual badge of office, which shall be paid Wharfingers and collectors as special policemen.
 for by the commissioners; such appointments must be renewed once in each year. The jurisdiction of such special policemen shall be coextensive with the premises described in this article, Badge.
 and their terms of office as such wharfingers and toll collectors. Jurisdiction and terms of such policemen.
 [*Amendment approved February 28, 1876; Amendments 1875-6, p. 50; took effect from passage.*]

SEC. 2551, POLITICAL CODE. AMENDMENTS NOT TO IMPAIR PENDING ACTIONS.

Nothing in this article shall be taken or deemed to affect any action or suit now pending, or any right of action accrued, or any contract or obligation existing under the provisions of the statutes hereby amended; but such suits or actions may be prosecuted in the name in which they have been instituted, and such rights of action, contract, or obligation shall remain unimpaired, and may be prosecuted and enforced in all respects the same as if this amendment had not been made. Pending actions, contracts, etc., unimpaired.
 [*Amendment approved February 28, 1876; Amendments 1875-6, p. 50; took effect from passage.*]

SEC. 2552, POLITICAL CODE. SALARIES.

Salaries
of harbor
commis-
sioners and
assistants.

The monthly salaries of the officers of the board shall be as follows: The president, three hundred dollars; each of the other two commissioners, two hundred and fifty dollars; the secretary, two hundred and fifty dollars; the assistant secretary, two hundred dollars; the attorney, two hundred dollars; the chief wharfinger, two hundred and fifty dollars; the wharfingers, one hundred and fifty dollars; and the collectors, one hundred and twenty-five dollars. The board must fix the compensation of the other employees. No ex officio officer nor consulting engineer shall receive any compensation, except traveling and other incidental expenses. [*Amendment approved March 15, 1909; Statutes 1909, p. 371.*]

Ex officio
officers no
compensa-
tion.

Bateman vs. Colgan, 111 Cal. 580.

SEC. 2553, POLITICAL CODE. DUTIES OF ATTORNEY GENERAL.

Attorney
general to
give legal
advice.

The attorney general of the state must give such legal advice and render such legal services as may from time to time be required of him by the commissioners, in connection with their duties, without further compensation. [*Amendment approved February 28, 1876; Amendments 1875-6, p. 51; took effect from passage; see section 472, Political Code, subdivision 2.*]

Bateman vs. Colgan, 111 Cal. 583.

SEC. 2554, POLITICAL CODE, SUBDIVISION 2 (REPEALED).

SEC. 472, POLITICAL CODE, SUBDIVISION 2.

Deputies of
attorney
general.

The attorney general may appoint one assistant, one chief deputy and five additional deputies, who shall be civil executive officers. The annual salary of the assistant shall be four thousand dollars; the annual salary of two of such additional deputies shall be thirty-three hundred dollars each, and the annual salary of three of such additional deputies shall be three thousand dollars each. Said salaries shall be paid at the same time and in the same manner as the salaries of other state officers. The attorney general shall not employ special counsel in any case except those provided in section four hundred and seventy-four of the Political Code. The attorney general shall have charge, as attorney, of all legal matters in which the state is in any wise interested, except the business of the regents of the University of California, and of the state harbor commis-

Special
counsel.

Attorney
general to
have charge
of all legal
matters
in which
state is
interested.

sioners, and such other boards or officers as are now by law authorized to employ attorneys, and no board, officer or officers, or employee of the state, except said regents and said harbor commissioners and such other boards and officers as are now by law authorized to employ attorneys, shall employ any attorney other than the attorney general, or one of his assistants or deputies, in any matter in which the state is interested; nor shall any money be drawn out of the treasury, or out of any moneys appropriated out of the treasury, or out of any special or contingent fund under the control of any board, officer or officers, or employee for the pay of any legal services rendered after the passage of this act, the provisions of any existing statute to the contrary notwithstanding, excepting as above provided; *provided*, that whenever a district attorney in any county in this state shall, for any reason, become disqualified from conducting any criminal prosecution within such county, the attorney general may employ special counsel to conduct such prosecution, and the attorney's fee in such case shall be a legal charge against the state; *provided, further*, that nothing herein contained shall be construed to prevent or deny the right of any board, officer, or officers or employee of the state to employ or engage counsel in any matter of the state, after first having obtained the written consent so to do of the attorney general. [*Amendment approved April 3, 1911, Statutes 1911, p. 587.*]

Whenever
district
attorney
is dis-
qualified.

Toland vs. Ventura, 135 Cal. 413-414.

BOARD OF CONTROL.

Political Code, Chapter 349, Article XVIII (new).

654. A state board of control is hereby created to consist of three members who shall be appointed by the governor and hold office at his pleasure. The governor shall designate the chairman of such board and shall fill vacancies occurring from any cause in the membership thereof. The members of such board shall not engage in any private business requiring their personal attention between the hours of nine o'clock A. M. and five o'clock P. M. of each day excepting holidays during their term of office. Before entering upon the discharge of his duties each member of said board shall execute an official bond to the State of California in the penal sum of twenty-five thousand dollars, conditioned on the faithful discharge of his duty according to law and shall take the oath of office as prescribed

Board of
control.

Bond.

by this code for state officers. The members of such board shall be executive officers and each shall be authorized to administer oaths. The board shall appoint a secretary, three clerks and two stenographers. Such appointees shall be civil executive officers. The board may also appoint a messenger.

Secretary
and clerks.

Salaries.

655. The members of the state board of control shall each receive a salary of four thousand dollars per annum, which shall be paid at the same time and in the same manner as the salaries of state officers are paid. The secretary shall receive a salary of twenty-four hundred dollars per annum, the clerks a salary of eighteen hundred dollars per annum each, the two stenographers fifteen hundred dollars per annum each, and the messenger nine hundred dollars per annum. The salaries of all such appointees shall be paid at the same time and in the same manner as the salaries of state officers.

Sessions of
board.

656. The said board shall be in session during office hours whenever a majority of the members thereof are present at its offices in the state capitol and may meet at other places in the state at such time as a majority of the board may determine.

Record of
proceed-
ings.

657. The board must keep a record of all its proceedings and any member may cause his dissent to the action of the majority upon any matter to be entered upon such record.

Vice-
chairman.

658. The board or a majority thereof, may elect one of its members vice-chairman, and such officer shall have and exercise all the authority of the chairman in the absence of the latter. The board may also establish rules and regulations not inconsistent with law for its government. All such rules and regulations must be recorded in the minutes of the board.

Rules.

Chairman
may issue
subpœnas.

659. The chairman may issue subpœnas and compel the attendance of witnesses before the board or any member thereof, in the same manner that any court in this state may; and whenever the testimony of any witness upon any matter pending before it is material, the chairman must cause the attendance of the witness before such board, or a member thereof, to testify concerning such matter, and the board may make a reasonable allowance therefor, not exceeding the fees of witnesses in civil cases, which must be paid out of the appropriation for the contingent expenses of the board, but in no instance can an allowance be made in favor of a witness who appears in behalf of a claimant.

Deposi-
tions.

Each member of the board may take depositions to be used before it.

660. It shall be the duty of one or more members of the board as may be designated by the board, or as requested by the governor, to examine and expert, or cause to be examined and experted, the books of the different state prisons, reformatories, state hospitals and other institutions, commissions, bureaus and officers of the state, at least once in each year, and as often as may be deemed necessary. The officers of said prisons, reformatories, hospitals and other institutions, boards, commissions and bureaus and the several officers of the state, must permit such examination and experting and must upon demand produce without unnecessary delay all books, contracts and papers in their respective offices, and must furnish upon demand the information touching books, papers and contracts and other matters pertaining to their respective offices.

Examining
books of
state insti-
tutions.

661. It shall be the duty of one or more members of the board as may be designated by such board or as may be requested by the governor to visit from time to time every public institution maintained in whole, or in part, by state appropriations to ascertain the conditions of the same, and their wants and requirements, and also to visit public buildings in course of construction to ascertain if all the provisions of law in relation to such construction and of the contracts therefor are being faithfully executed.

Visiting
state insti-
tutions.

662. The board upon completion of such examination must make a report in duplicate thereon and file one with the governor, and one in the office of such board.

Reports of
examina-
tions.

663. Every claim against the state for which an appropriation has been made or for which a state fund is available, must be presented to the board for its scrutiny before being paid. The board may for cause postpone action upon a claim for not exceeding one month.

Claims
against
state.

664. Any person having a claim against the state for which an appropriation has been made, may present the same to the board in the form of an account or petition and the secretary of the board must date, number, and file such claim. The board must allow or reject the same within thirty days.

Personal
claim
against
state.

The concurrence of two members of the board shall be required to approve and allow any claim against the state in whole or in part.

Majority
to allow
claim.

665. If the board approve such claim the members approving the same must over their signatures endorse thereon the following: "Approved for the sum of ----- dollars," and the secretary shall immediately transmit the same to the office of the state controller for his action thereon and if such

Approved
claims to
controller.

action is favorable, he shall draw his warrant for the amount so approved in favor of the claimant or his assigns; *provided*, that the controller if he objects thereto for any reason may return the same to the secretary of said board and said claim shall not again be presented to the controller except with the unanimous approval of the board.

Dis-
approved
claims.

666. If the board, or a majority thereof, disapprove any claim, the same shall be filed with the records of the board with a statement showing such disapproval and the reasons therefor.

Claims for
which no
appropria-
tion was
made.

667. If no appropriation has been made, or if no fund is available for the payment of any claim against the state, the settlement of which is provided by law, or if an appropriation or fund has been exhausted, such claim must be presented to the board who shall audit the same and if approved by at least a majority vote thereof it shall, with the sanction of the governor, be transmitted to the legislature with a brief statement of the reasons for such approval.

Rules for
audit of
claims.

668. The board shall cause to be printed for distribution among all state officers and for the use of any one desiring to present a claim against the state, a set of rules governing the presentation and audit of demands against the state funds and appropriations.

Claims to
be pre-
sented at
least four
months
before
legislature
meets.

669. Any person having a claim against the state, the settlement of which is not otherwise provided for by law, must present the same to the board at least four months before the meeting of the legislature, accompanied by a statement showing the facts constituting the claim, verified in the same manner as complaints in civil actions. Before finally passing upon any such claim, notice of the time and place of hearing must be mailed to the claimant at least fifteen days prior to the date set for final action. At the time designated the board must proceed to examine and adjust such claims. It may hear evidence in support of or against them and, with the sanction of the governor, report to the legislature such facts and recommendations concerning them as may be proper. In making such recommendations the board may state and use any official or personal knowledge which any member thereof may have touching such claims.

Recom-
mendation
to legis-
lature.

Report to
legisla-
ture and
controller.

670. The board must make up its report and recommendations concerning such matters as the law requires of it at least thirty days before the meeting of the legislature. The board must give to the state controller for his use at such time as he shall demand a statement showing all its recommendations for appropriations by the legislature.

671. The board must not entertain, for the second time, a demand against the state once rejected by it or by the legislature unless such facts are presented to the board as in suits between individuals would furnish sufficient ground for granting a new trial. Any person interested, who is aggrieved by the disapproval of a claim by the board, may appeal from the decision to the legislature of the state, by filing with the board a notice thereof, and upon the receipt of such notice the board must transmit the demand and all the papers accompanying the same, with a statement of the evidence taken before it, to the legislature.

Rehearing
on claim
once
rejected.

Appeal to
legislature.

672. The controller must not draw his warrant for any claim unless it has been approved by the state board of control, and when hereafter the controller is directed to draw his warrant for any purpose, this direction must be construed as subject to the provisions of this section, unless the direction is accompanied by a special provision exempting it from the operation of this section.

Controller
may draw
warrant
only after
approval
by board.

673. Whenever the board has reason to believe that the controller has drawn or is about to draw his warrant without authority of law, or for a larger amount than the state actually owes, the board must notify the treasurer of state not to pay the warrant so drawn or to be drawn; and thereupon the treasurer is prohibited from paying the warrant, whether already drawn or not, until he is otherwise directed by the legislature.

Board may
notify
treasurer
not to pay
warrant.

674. Claims upon the contingent fund of either house of the legislature and for official salaries, are exempted from the operation of the provisions of this article.

Legislative
contingent
funds
exempt.

675. The money in the state treasury must be counted by the state board of control at least once every month, without giving the treasurer any previous notice of the day or hour of counting; the board may at any counting place any sum in bags or boxes and mark and seal the same with a seal to be adopted and kept by it, and may, at any subsequent counting count each bag or box separately and credit at the value stamped thereon the contents of such bags or boxes as part of the money counted without making a detailed count of such contents. They shall count as cash all evidence of money belonging to the state upon deposit outside the state treasury that may be held by the treasurer in accordance with law and shall determine for themselves whether such evidence is sufficient according to law.

Monthly
count of
money in
treasury.

Publica-
tion of
count.

After each count of money they must make and file with the secretary of state and cause to be published in some newspaper in the city of Sacramento, an affidavit showing:

1. The amount of money or credit that ought to be in the state treasury.

2. The amount and kind of money or credit actually therein.

Investment
of school
land funds.

676. Whenever and as often as there is in the state treasury the sum of ten thousand dollars as the proceeds of the sale of state school lands the board must invest the same in the bonds of this state, or in the bonds of the United States, or in the bonds of any county, permanent road district, city and county, city, town, or school district of this state; the investments to be made in such manner and on such terms as the board shall deem best for the fund. All such bonds purchased by the board under the provisions of this section must be delivered to the state treasurer who shall keep them as a special school fund deposit, and the interest upon such bonds when collected shall be placed by him to the credit of the state school fund.

Bonds de-
livered to
treasurer.

Money in
estates of
deceased
persons'
fund to be
invested
in bonds.

677. Whenever and as often as there is in the state treasury to the credit of the estates of deceased persons' fund (in excess of the retention hereinafter provided for) the sum of ten thousand dollars or more, the board must invest the same in the bonds of this state, or in the bonds of the United States, or in the bonds of the several counties, city and county, permanent road districts, cities and towns, or school districts of this state; the investments to be made in such manner and on such terms as the board shall deem best for the fund. No investment shall be made which with the amounts previously invested shall reduce the uninvested portion of the fund below the amount of ten thousand dollars, and whenever a demand presented against said fund will reduce the amount of cash therein below the specific amount of ten thousand dollars, it shall be the duty of the board to sell such bonds belonging to said fund as they may deem proper, for the purpose of making good the cash retention of ten thousand dollars.

Bonds de-
livered to
treasurer.

Bonds purchased by the board under the provisions of this section must be delivered to the state treasurer, who shall keep them as a portion of said estates of deceased persons' fund, and the interest upon such bonds shall be paid into the state school fund and apportioned like other moneys employed for the support of common schools.

678. Whenever under the provisions of law the board of supervisors, trustees, common council, or other governing boards or bodies of any county, city or county, city or town, or school district of this state shall advertise the sale of bonds voted for any purpose, the clerk of such board, trustees, common council, or other governing board or body shall forthwith, by mail, postage prepaid, notify the state board of control and state treasurer, at the capitol, of such issuance and sale of bonds, and shall specify the purposes for which such bonds were voted, the amount of the total issue for each purpose, the denomination of each bond showing date of issuance and date of maturity, the rate of interest showing when and where payable, the assessed value of the property upon which such bonds are a lien and the total amount of other bonded indebtedness which is a lien upon said property.

City, county and district authorities to notify board and treasurer of bonds for sale.

679. At any sale of bonds by the state treasurer the board may become bidders and purchase bonds with the funds at their disposal, and the appropriate transfer of funds must be made by the controller and treasurer on the books of their offices. No purchase of bonds shall be completed by the board until the attorney general shall have approved the validity of the issue.

Boards may purchase bonds to be sold by treasurer.

680. The board, with the consent of the governor, shall have power to authorize the creation of deficiencies in any appropriations of money made by law in cases of actual necessity and shall authorize the payment of deficiencies out of any money which may be appropriated for such purpose. No deficiency shall be authorized except upon the written authority, first obtained, of a majority of the members of the board and of the governor. Any indebtedness attempted to be created against the state in violation of these provisions shall be null and void, and shall not be allowed by the board of control or the controller.

Creation of deficiencies.

681. The board shall have power to authorize the sale or exchange of any property, except real estate, which belongs to the state and which, in their judgment, it shall be for the best interests of the state to sell or exchange.

Sale of property belonging to state.

682. The board shall have general powers of supervision over all matters concerning the financial and business policies of the state, and shall, whenever they deem it necessary or at the instance of the governor, institute or cause the institution of such investigations and proceedings as they may deem proper to conserve the rights and interests of the state.

Board to supervise financial policies of state.

Contracts for supplies to be submitted to board.

683. All contracts entered into by any state officer, board, commission, department, or bureau, for the purchase of supplies and materials, or either, shall before the same becomes effective be transmitted with all papers, estimates and recommendations concerning the same, to the state board of control for consideration. If a majority of such board approve the same, it shall, from the date of such approval, be in force and effect. No state officer, board, commission, department, or bureau, shall purchase supplies and materials, or either, in open market, unless permission has been given, upon a presentation of the necessity therefor, by the state board of control; *provided*, that to meet an emergency, supplies and materials of a perishable nature, in an amount not exceeding one hundred dollars in value, may be purchased by such state officer, board, commission, department, or bureau without the permission of the said board of control.

Permission to purchase supplies in open market.

Board of examiners shall mean board of control.

684. Whenever by the provisions of this code or any statute or law now in force or that may hereafter be enacted a duty is imposed or authority conferred upon the "state board of examiners" or the "board of examiners" and the members thereof such duty and authority are hereby imposed and conferred upon the state board of control and the members thereof, the same as though the title of the state board of control had been specifically set forth and named therein. For the purposes of this chapter the terms "state board of examiners" and "board of examiners," respectively, shall be construed to mean and refer to the "state board of control," and wherever in this code or in any statute or law the term "member of the state board of examiners" or "member of the board of examiners" is used it shall be construed to mean and refer to a "member of the state board of control."

Reports of supplies purchased to be made to board.

685. Every state office, board, commission or department to whom is given by law the authority to make purchases of material or supplies, must, upon the request of the board of control, designate some certain officer or employee in such office, board, commission or department whose duty it shall be to make such reports at such times and in such manner to the board of control as said board shall from time to time require.

Department of public accounting.

686. There is hereby established in connection with and under the supervision of the state board of control a department of public accounting. The board shall appoint a superintendent of accounts at an annual salary of three thousand dollars, and two assistants at an annual salary of twenty-seven

Superintendent, etc.

hundred dollars each. Such appointees shall be skillful accountants and well versed in public accounting. They shall (each) execute a bond to the state in the sum of ten thousand dollars. They shall be civil executive officers and their salaries shall be paid in the same manner and at the same time as the salaries of state officers are paid. The board may also appoint such additional accountants as may be necessary to carry on the work of the department at salaries not to exceed for any one of such appointees the sum of twenty-four hundred dollars per annum. Such salaries, upon authority of the board, shall be paid out of money appropriated for the use of the department at the same time and in the same manner as the salaries of state officers are paid. Such accountants shall be chosen from persons who have successfully taken an open competitive examination given along practical lines showing their fitness for the work required. They shall each execute to the state a bond in the sum of five thousand dollars. All of the appointees in this section are empowered to administer oaths in the furtherance of their official duties.

687. The board of control, through the department of public accounting shall devise, install and supervise a uniform system of accounting and reporting for any and all officers or persons in this state permitted or charged by law with the keeping of public accounts and records, and the custody, control and handling of public money or its equivalent, to the end that there shall be obtained similar and comparable data for every public office and every public account of the same class, and that there shall be a general, systematic and uniform check upon the receipt and disbursement of all public revenue.

Uniform
system of
accounting
for state
officers.

688. With the sanction of the state board of control, the department of public accounting may require from all such officers or persons mentioned in the foregoing section financial and statistical reports, duly verified, covering the period of each fiscal year, which report shall be made out upon blank forms prescribed and adopted and furnished by the department of public accounting, and mailed to such officers or persons not less than sixty days before the time such reports are required to be filed with such department. When necessary, the department may require special reports from any such officers or persons, which must be filed with the department without delay.

Financial
and sta-
tistical
reports.

Department may
examine
books
etc., of
public
offices.

689. The department of public accounting is given full power to examine, through any of its officers or appointees, all accounts and all financial affairs of every officer or person mentioned in section 687 of this code, and shall have the right to enter into any public office or institution in this state and examine any books, papers or documents contained therein or belonging thereto for the purpose of making such examination, and shall have access, in the presence of the custodian thereof, or his deputy, to the cash drawers and cash in the custody of such officer or person and shall also have the right, during business hours, to examine the public accounts in any depository which has public funds in its custody.

Neglect to
file reports,
etc.

690. Any officer or person who shall fail or neglect to make, verify and file with the department of public accounting any such report as is required by this article, or who shall fail or neglect to follow the directions of the department of public accounting in keeping the accounts of his office, or who shall refuse to permit the examination or access to the books, accounts, papers, documents or cash drawer or cash of his office to a representative of said department, or who shall in any way interfere with such examination, shall be guilty of a misdemeanor and upon conviction shall be fined not less than one hundred dollars nor more than one thousand dollars or shall be imprisoned in the county jail not less than thirty days, or both.

Biennial
report.

691. The board must biennially report to the legislature a history of its transactions and investigations. [*Amendment approved April 3, 1911, Statutes 1911, p. 591.*]

AN ACT

To authorize the board of state harbor commissioners to make repairs upon private wharves in their possession.

[Approved March 26, 1874; Stats. 1873-4, p. 663.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SEC. 1. MAINTENANCE OF WHARVES.

The board of state harbor commissioners are hereby authorized and empowered, in their discretion, to repair and maintain any wharf or wharves in their possession or under their control, notwithstanding such wharf or wharves may belong to private parties, and to pay the expenses thereof in the same manner as is now provided for the repairs or maintenance of the wharves of the state; *provided, however*, that such authority to repair and maintain private wharves shall terminate with the termination of the possession or control of the same on the part of said board.

May repair
private
wharves.

SEC. 2. This act shall take effect immediately after its passage.

AN ACT

To authorize the compromise of certain litigation concerning a portion of the water front of the city and county of San Francisco.

[Approved April 3, 1876; Stats. 1875, p. 905.]

This act authorizes the governor, mayor of San Francisco, and board of state harbor commissioners to compromise and settle with claimants for the premises lying between Jackson and Pacific streets, and outside of the water front line as established by the beach and water lot act of March 26, 1851. The compromise contemplated was to accept deeds of the entire property to the state, and pay therefor such amount as might be determined on out of the San Francisco harbor improvement fund.

AN ACT

Concerning the water front of the city and county of San Francisco.

[Approved March 15, 1878; Stats. 1877-78, p. 263.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SEC. 1. LINE OF HARBOR EMBANKMENT RATIFIED.

So much of the line for a harbor embankment or seawall of the port of San Francisco, adopted on the twelfth day of September, eighteen hundred and seventy-seven, by the governor, the mayor of the city and county of San Francisco, and the state harbor commissioners, and indicated on the maps filed in the office of the said board of harbor commissioners and of the recorder of the city and county of San Francisco, as extends from the east line of Taylor street to the boundary line between the city and county of San Francisco and the county of San Mateo, is hereby ratified and confirmed, and shall be known as the "water front line" of the city and county of San Francisco; and so much of said line of harbor embankment or seawall as extends from the east line of Taylor street to the eastern line of the Presidio reservation, is hereby annulled and vacated.

SEC. 2, LIMIT OF JURISDICTION.

The inshore limit of the jurisdiction of the board of state harbor commissioners shall be and remain the same as defined in section twenty-five hundred and twenty-four of the Political Code; but when any section of the seawall and thoroughfare hereinafter mentioned is constructed and ready for use, then the inshore limit of their jurisdiction as to such section shall be the inner line of said thoroughfare. But their jurisdiction in and over China, Central, South, India, and Dry Dock basins, and in and over Channel street and Islais creek channel, and the canal opening into South Basin, shall extend as far as the ebb and flow of tidewater.

SEC. 3. "EAST STREET."

The said commissioners are authorized and directed to lay out and open along said water front line, a thoroughfare of the uniform width of two hundred feet, the inner line of which shall be parallel with the water front line; *provided*, that its

Water front
line of city
and county
of San
Francisco.

Inshore
limit of
jurisdiction.

Exceptions.

Construction
of thorough-
fare.

inner line between Market street and Folsom street shall cor- Location.
 respond with the present line of East street, and its inner line
 between Clay street and Sacramento street shall be a straight
 line drawn from the intersection of the north line of Clay
 street with the inner line of the thoroughfare to the intersec-
 tion of the north line of Sacramento street with the north line
 of Market street extended, and its roadways and sidewalks
 shall conform to such deviation from its uniform width; *pro-
 vided, further*, that a sum not less than one hundred thousand Construction
 dollars shall be expended in the construction of wharves, piers, of wharves.
 ferry slips, or bulkheads, on the water front between the west-
 erly line of Mason street and the easterly line of Kearny street,
 as may seem best in the judgment of the state board of harbor
 commissioners; the said money to be expended, and the work Limit of
 to be done, within one year from and after the passage of this time.
 act. It shall have a roadway of one hundred and eighty feet,
 and a sidewalk on its inner side of twenty feet in width. It
 shall be known and designated on the map of the city and
 county as "East street." The said roadway shall be con- "East
 structed and kept in repair by the said commissioners. It street."
 shall be constructed by contract, as provided in section twenty- How con-
 five hundred and thirty-six of the Political Code, and be kept structed.
 in repair, as provided in section twenty-five hundred and
 twenty-four of same code. The sidewalk shall be constructed Sidewalks.
 and kept in repair in the manner provided by law for the
 construction and repair of sidewalks on other streets of the
 city of San Francisco. In case the said roadway or sidewalk Obstruc-
 be obstructed, the said commissioners shall cause such obstruc- tions.
 tions to be removed in the manner provided in section twenty-
 five hundred and twenty-four of the Political Code, and sec-
 tion nine of this act; *provided*, that they may grant the use May grant
 and occupation of spaces along the water front for offices and use.
 baggage-rooms, and for scales for weighing fruit, and may
 charge therefor a reasonable rent. The said commissioners Collection
 shall have jurisdiction over said thoroughfare for the pur- of wharfage,
 poses of construction, repair, removal of obstructions, and etc.
 collection of dockage, wharfage, rents, and tolls, and for com-
 mercial purposes; and no franchise or privilege for a railroad
 track along said thoroughfare shall be granted by the super-
 visors of the city and county of San Francisco.

SEC. 4. EXTENSION OF JURISDICTION.

Portion
of act
repealed.

So much of the act approved March eleventh, eighteen hundred and seventy-four, entitled "An act to amend an act entitled 'An act to vacate certain streets, alleys, and market places in the city and county of San Francisco, and to donate the same and other tide lands belonging to the State of California to said city and county of San Francisco, for commercial purposes, and other matters relating thereto,' approved March thirteenth, eighteen hundred and seventy-two, as grants to the city and county of San Francisco the power to lease the basins known as China and Central basins, is hereby repealed; and the said basins, and also South, India and Dry Dock basins, as laid out by the board of tide land commissioners, and Channel street, Islais creek channel, and the canal opening into South Basin, as far as the ebb and flow of tide in them, are hereby dedicated to public use for the purposes of commerce and navigation, and shall be subject, together with the streets inclosing or bounding on them, and the seawall and thoroughfare constructed across their openings, to the jurisdiction of the said commissioners," as provided in the act approved February twenty-eighth, eighteen hundred and seventy-six, entitled "An act to amend an act entitled an act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, and to add a new section thereto." In case the seawall or thoroughfare be extended across them, openings therein, with proper drawbridges, shall be constructed, of sufficient width to allow free and easy entrance and exit, and then they shall be dredged to such depth as may be needed by the class of vessels using them.

Dedication
to public
use.

Jurisdiction
of commis-
sioners.

Drawbridges
in seawall.

SEC. 5. STREETS TO INTERSECT SEAWALL.

Extension
of streets.

Whenever any section of the seawall and thoroughfare is constructed and ready for use, the board of supervisors shall cause the streets of the city to be extended and constructed so as to intersect said section; and in case any such streets have been widened by the harbor commissioners, they shall be contracted to their original width before such widening, and be so extended. When extended they shall be deemed public streets, and their roadways and sidewalks, to the intersection of the thoroughfare, shall be constructed and kept in repair in the manner provided by law for the construction and repair of the public streets of the city of San Francisco.

Width.

Repair.

SEC. 6. JURISDICTION OVER BLOCKS AND STREETS.

The said commissioners shall have the possession, jurisdiction, and control over the blocks and parts of blocks formed by the change of the water front and the extensions of the streets to the thoroughfare aforesaid, and remove any obstructions placed thereon in the same manner as provided for the removal of obstructions from the piers, wharves and thoroughfares. The commissioners are authorized to keep and maintain said blocks and parts of blocks as open spaces for the use of the public, or they may, in their discretion, inclose them. The commissioners are also authorized to assign the use of such portion thereof as they deem expedient for such purposes solely as will be most advantageous to the commerce of the port, and upon such terms and conditions as they may determine. All such assignments shall terminate at the pleasure of the commissioners. The commissioners are also authorized to lease such portion or portions of seawall lots, numbered one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, "a" and "b," as they may deem expedient for such purposes solely as will be most advantageous to the commerce of the port; *provided*, that before the execution of any lease, notice of the letting or leasing of any of the lots hereinbefore mentioned, or parts thereof, shall be given by publication in three of the daily papers published in the city of San Francisco for at least ten days; such notice shall state the lot or portion of lot to be leased, and that bids will be received by the commissioners at a place and time designated in such notice; and that said property shall be let to the highest and best bidder; *provided further*, that all bids for lease of lots, or portions of lots, herein mentioned, shall set forth the purposes for which said lots, or the portions thereof, shall be used, and that the statement of such bid shall be embodied in the lease given by the board of state harbor commissioners with the condition that the lot shall be used for such purposes only; *provided further*, that said board shall have power to reject any and all bids; and *provided further*, that in no event shall any such lease or leases be made for a term exceeding twenty-five years; *provided, however*, that all leases made and executed within two years preceding February fifteenth, nineteen hundred and one, and on file in the office of the secretary of state, of any lands belonging to the state

Commissioners to have control of certain blocks.

May assign portions.

May lease certain seawall lots.

Term of lease.

less than fifty acres in area, and which lease has been made to any corporation incorporated in this state, or to any person or persons, for terminal facilities, is hereby recognized, approved and ratified, and the conditions, covenants, and agreements of the parties thereto are made binding on the said parties, and on their successors and assigns, and on the State of California. [*Amendment approved March 19, 1909, Stats. 1909, p. 434; repealed all acts or parts of acts conflicting with this amendment; took effect from date of approval. This section of above act was previously amended March 17, 1880; March 19, 1889, March 26, 1895; March 23, 1901, and March 18, 1905.*]

SEC. 7. SEAWALL DECLARED A PUBLIC USE.

Seawall a public use.

The said seawall and thoroughfare is hereby declared a public use, in the laying out and construction of which the right of eminent domain may be exercised by the harbor commissioners, in the name of the people of the state, for the estates and rights, and in the manner provided in part III, title VII, of the Code of Civil Procedure; the said commissioners are authorized to pay, out of the harbor improvement fund, any compensation and damages assessed in such proceedings. But said commissioners, for the purpose of obtaining the material for such construction, may enter into contract without resorting to such proceedings.

Damages, how paid.

SEC. 8. BERTHS AND SLIPS.

Commissioners to assign berths.

The commissioners are authorized to assign berths and slips for the exclusive use of seagoing steamers, ferryboats and steamboats navigating the waters of the bay of San Francisco and its tributaries, and to construct suitable offices, sheds and inclosures for the accommodation of their business, and may charge for such exclusive use a reasonable sum, irrespective of their tonnage, or the number of days such berth is occupied.

Charges.

SEC. 9. WHARFAGE AND TOLLS, HOW ENFORCED.

Collection of wharfage, etc.

For the purpose of enforcing the charge for wharfage or tolls on goods, wares and merchandise landed on any wharf, pier, or thoroughfare, or remaining thereon longer than the time prescribed by the harbor regulations, the said commissioners are authorized to take possession of such goods, wares and merchandise, and if such charge be not paid within two days thereafter, may remove and store the same at the charge, risk and expense of the owner or consignee thereof, or may sell the same by public auction, with or without notice, at their dis-

To take possession of goods.

cretion; and for the purpose of keeping the wharves, piers, and thoroughfares free of obstructions, the said commissioners shall cause a written notice to be served on the owner, agent, consignee, or person in possession of any such obstructing material or structure, or may post a notice thereon, at their discretion, requiring its removal within twenty-four hours thereafter; and on failure to comply therewith, the commissioners may remove, store, or sell the same by public auction, at their discretion. From the proceeds of any such sale they shall retain all the wharfage and tolls due, with ten per cent thereon, and in case of obstructions, twenty-five dollars for each and every day during which the wharf, pier, or thoroughfare has been obstructed, and also all the expenses attending such sale, and the surplus, if any, shall be paid to the proper party. Such sale shall be made subject to immediate removal.

Obstructions,
removal.

Notice to
remove.

Commissioners to
remove
and sell.
Distribution
of proceeds.

SEC. 10. PENALTY FOR NON-PAYMENT OF WHARFAGE.

Any water craft that shall leave any wharf, pier, quay, landing, thoroughfare, slip, dock, or basin, unless forced to do so by stress of weather, without first paying the dockage due from such vessel, shall be liable to pay, in addition to the penalty prescribed by section twenty-five hundred and twenty-four of the Political Code, the sum of ten dollars.

Penalty for
non-pay-
ment of
wharfage.

SEC. 11. This act shall take effect from and after its passage.

People vs. Williams, 64 Cal. 502;

People vs. Pacific Imp. Co., 130 Cal. 444.

AN ACT

To amend section six of an act entitled "An act concerning the water front of the city and county of San Francisco," approved March fifteenth, eighteen hundred and seventy-eight, and to confer further powers upon the board of state harbor commissioners.

[Approved March 17, 1880; Stats. 1880, p. 10 (Ban. ed., p. 31.)]

The people of the State of California, represented in senate and assembly, do enact as follows:

[Section 1 consists of the amendment to section six of the foregoing act, therein inserted.]

SEC. 2. NORTH BEACH WATER FRONT FOR LANDING MERCHANDISE.

The said commissioners are authorized to set apart and use that portion of the water front and thoroughfare situated

Portion of
water front
to be set
aside.

Roadway.

Terms and
conditions
of use.

between the west line of Powell street and the north line of Francisco street for the landing and loading of grain and other merchandise, and may erect thereon such sheds and structures as may be necessary for sheltering the same; *provided*, that a roadway of not less than seventy-five feet on the inner side of the thoroughfare shall be left open for the passage of vehicles. They may, from time to time, fix the rates and prescribe the terms and conditions on which such sheds and structures may be used, and shall have the same control over them as over the wharves and other part of the water front; *provided*, that they shall assume or incur none of the duties or obligations of warehousemen.

SEC. 3. DEPOTS.

Depots.

Rent.

The said commissioners are authorized to set apart spaces on the water front as depots for the landing of the passenger and freight cars of railroad companies, and may construct such docks, wharves, and sheds as may be needed for that purpose. They must require a proper rent to be paid for such spaces and structures, and the dockage on the steamers transporting such cars and the wharfage on merchandise put on or off such cars, or passing through such depots, shall be the same as prescribed by the general regulations of the board.

SEC. 4. ADJUSTMENT OF RATES OF WHARFAGE.

Adjustment
of rates.Collection
officers.

As soon as practicable, the rates of wharfage on merchandise and other articles must be adjusted and classified upon such system, and be collected in such manner, and by such officers, as the commissioners may determine and direct. The duties of such officers, their compensation and amount of bond for faithful performance of duty, shall be fixed by the commissioners. When such system is put in force, no tolls must be collected by the load or vehicle, on any merchandise passing on or off the wharves, and the system of collection by toll collectors must cease.

SEC. 5. (REPEALED.)

SEC. 6. DUTIES OF MASTERS, OWNERS OR CONSIGNEES.

Statement
to be deliv-
ered to
wharfinger.

The master, owner, or consignee of every vessel, and the owner, agent, or manager of every railroad car, at the time of the arrival and before the departure of any such vessel or car, must deliver to the wharfinger, or other proper officer of the commission, a full and correct statement, signed by him as such master, owner, consignee, agent, or manager, of all mer-

merchandise of every kind intended to be discharged from or received on such vessel or car, other than such as is referred to in section five of this act, specifying in detail the character and quantity of each kind of such merchandise; and in the case of an arriving vessel or car, the names of the consignees or owners thereof, and also the port or place from which such merchandise is brought, or to which it is to be carried. In case any person shall neglect or refuse to deliver such statement as above provided, or shall make wilfully a statement false in any of the above recited particulars, he shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine not exceeding one hundred dollars, or by imprisonment not exceeding fifty days, or both such fine and imprisonment.

Contents of statement.

Penalty for failure or false statement.

SEC. 7. DISCHARGE OR RECEIPT OF FREIGHT WITHOUT PAYING WHARFAGE, MISDEMEANOR.

In case the master, agent, or owner of any vessel, or the owner, agent, or manager of any railroad car, shall discharge from or receive on, or allow to be discharged from or received on, such vessel or car any merchandise or other article other than such as is referred to in section five of this act, before the wharfage thereon has been paid, of which payment the only evidence shall be a receipt signed by the wharfinger or other proper officer of the commission, he shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding one hundred days, or by both such fine and imprisonment; *provided*, that the warrant of arrest may be discharged at any time before trial by the payment of the wharfage on such merchandise or other articles wrongfully discharged or received, together with the costs of the legal proceedings.

Penalty for discharge or receipt of freight without payment of wharfage.

Payment before trial.

SEC. 8. COMMISSIONERS MAY RELEASE PARTIES FROM OBLIGATIONS.

The said commissioners may, by written permits, release parties from the obligation to deliver the statement required by section six, or to pay wharfage before the discharge or receipt of merchandise or other article, as required by section seven; *provided*, that before any part of such merchandise or other articles are discharged or received, a proper and sufficient guarantee, in writing, shall be given to the said commissioners for the payment of all wharfage thereon. Such

Commissioners may release from obligations.

Bond.

Nature of
obligation.

guaranty shall be deemed an original obligation on the part of the guarantor, and no other consideration thereof need exist or be expressed than the acceptance of the said permit.

SEC. 9. (REPEALED.)

SEC. 10. LESSEES OF STATE, WHAT RATES OF DOCKAGE AND WHARFAGE TO COLLECT.

Rates for
lessees to
collect.

The lessees of the state or the commissioners shall charge and collect the same rates of dockage and wharfage as may be established by the said commissioners in pursuance of this act; *provided*, that this section shall not be deemed to confer any new or additional rights on any of said lessees.

SEC. 11. LIEN FOR WHARFAGE.

Lien of com-
missioners.

Nothing in this act shall be deemed to divest the said commissioners of the lien on merchandise and other articles for its wharfage, or of the right to enforce such lien as is provided by existing statutes.

SEC. 12. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 13. This act shall take effect from and after its passage.

AN ACT

To provide for the further extension of the water front line of the city and county of San Francisco and the construction of the seawall.

[Approved April 23, 1880.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Extension
of water
front.

SECTION 1. The water front line of the city and county of San Francisco, as adopted on the twelfth day of September, one thousand eight hundred and seventy-seven, by the governor, the mayor of the city and county of San Francisco, and the board of state harbor commissioners, and as indicated on the maps filed in the office of said board, and of the recorder of the said city and county, is hereby further extended in a straight line westerly from the east line of Taylor street to its intersection with the north line of Van Ness avenue produced northerly; and the said board are authorized to construct the seawall and thoroughfare in alternate sections of one thousand feet each west of Powell street and south of Lombard street.

SEC. 2. All acts and parts of acts inconsistent herewith are hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

AN ACT

To provide penalties for failure to pay tolls, by false returns or otherwise, to any board of state harbor commissioners of the State of California.

[Approved March 10, 1891; Stats. 1891, p. 27.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Any person, corporation, firm, or association who shall, by false returns, or in any manner, avoid the payment of all or any portion of any tolls that may be due to any board of state harbor commissioners of the State of California, from any source or cause, as provided for by law and the rules and regulations of said board, shall be liable for and shall pay to said board twice the amount of such tolls, and in addition thereto the sum of ten dollars over and above such amount.

Penalty for non-payment of tolls.

SEC. 2. This act shall take effect from and after its passage.

AN ACT

To provide for the issuance and sale of state bonds to create a fund for the construction and furnishing by the board of state harbor commissioners of a general ferry and passenger depot in the city and county of San Francisco; to create a sinking fund for the payment of said bonds, and provide for the submission of this act to a vote of the people.

[Approved March 17, 1891; Stats. 1891, p. 110.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. For the purpose of providing a fund for the payment of the indebtedness hereby authorized to be incurred by the board of state harbor commissioners for the erection and furnishing of a general railroad, passenger and ferry depot, at or near the foot of Market street, in the city and county of San Francisco, at a cost not to exceed six hundred thousand dollars, which the said board of state harbor commissioners are hereby authorized to construct in the manner and method authorized by law, and at a cost not to exceed said six hundred thousand dollars, the state treasurer shall, immediately after the issuance of the proclamation of the governor, hereinafter provided for, prepare suitable bonds of the State

General passenger and ferry depot to be constructed.

Bonds to be issued.

Nature and amount of bonds.	of California: one thousand bonds in the denomination of one hundred dollars each; five hundred bonds in the denomination of five hundred dollars each; two hundred and fifty bonds in the denomination of one thousand dollars each. The whole issue of said bonds shall not exceed the sum of six hundred thousand dollars, which said bonds shall bear interest at the
Interest.	rate of four per centum per annum from their date, and shall be payable at the office of the state treasurer at the expiration
Date.	of nineteen years from their date. Said bonds shall bear date the first day of January, A. D. eighteen hundred and ninety-three, and shall be payable on the first day of January, A. D.
Interest, how due and payable.	nineteen hundred and twelve. The interest accruing on said bonds shall be due and payable at the office of the said treasurer on the first day of January and the first day of July of
First interest.	each year; <i>provided</i> , that the first payment of interest shall be made on the first day of July, A. D. eighteen hundred and
Expiration of interest.	ninety-three, on so many of said bonds as have been theretofore issued. At the expiration of nineteen years from the date
Payment.	of said bonds they shall cease to bear interest, and said treasurer shall forthwith pay the same out of the San Francisco depot sinking fund, provided for hereinafter in this act. Said
Signature to bonds.	bonds shall be signed by the governor, countersigned by the controller, indorsed by said treasurer, and shall have the seal of the state affixed thereto.

SEC. 2. Interest coupons shall be attached to each bond, so that they may be removed without injury or mutilation to the bond. Said coupons, consecutively numbered, shall be signed by the state treasurer. But no interest on any of said bonds shall be paid for any time which may intervene between the date of any of said bonds and the issue thereof to a purchaser.

SEC. 3. The sum of one thousand dollars is hereby appropriated to pay the expense that may be incurred by the state treasurer in having said bonds prepared. Said amount shall be paid out of the San Francisco harbor improvement fund, on controller's warrants duly drawn for that purpose.

SEC. 4. When the bonds authorized to be issued under this act shall be duly executed, numbered consecutively, and sealed, they shall be by the state treasurer sold at public auction to the highest bidder for cash, and in such parcels as said treasurer shall deem best; but he must reject any and all bids for said bonds, or any of them, which shall be below the par value of said bonds; and he may, by public announcement at the place of sale, continue such sale, as to the whole or any part thereof,

to any time and place he may select. Due notice of the place and time of sale of such bonds shall be given by said treasurer, by publication in two newspapers published in the city and county of San Francisco, and also in two newspapers published in the city of Oakland, two published in the city of Los Angeles, and two published in the city of Sacramento, once a week for four weeks prior to such sale. The costs of such publication shall be paid out of the San Francisco harbor improvement fund, on controller's warrants duly drawn for that purpose. The proceeds of the sale of such bonds shall be forthwith paid over by said treasurer into the treasury, and must be by him kept in a separate fund, to be known and designated as the "San Francisco depot fund," and must be used exclusively for the building and furnishing of said depot. Drafts and warrants upon said fund shall be drawn upon and shall be paid out of said fund in the same manner as drafts and warrants are drawn upon and paid out of the San Francisco harbor improvement fund.

Notice of sale.

Publication.

Costs of publication.

Proceeds of sale.

Fund.

Drafts and warrants.

SEC. 5. For the payment of the principal and interest of said bonds a sinking fund, to be known and designated as the "San Francisco depot sinking fund," shall be and the same is hereby created, as follows: The state treasurer shall, on the first day of each and every month after the date of said bonds, take from the San Francisco harbor improvement fund the sum of four thousand six hundred and thirty-one dollars, and place the same in said San Francisco depot sinking fund created by this section. Said treasurer shall, on controller's warrants duly drawn for that purpose, employ the moneys in said sinking fund in the purchase of bonds of the United States, which said bonds shall be kept in a proper receptacle, appropriately labeled; but he must keep always on hand a sufficient amount of money in said sinking fund with which to pay the interest on the state bonds herein provided to be issued. And to provide means for the payment of said sum of five thousand one hundred and thirty-one dollars, monthly, from said San Francisco harbor improvement fund into said San Francisco depot sinking fund, and for the other payments out of said fund authorized by this act, and as provided for therein, the said board of state harbor commissioners are hereby authorized and directed, by the collection of dockage, wharfage, tolls, rents, and cranage, to collect a sum of money sufficient therefor, over and above the amount limited by section two thousand five hundred and twenty-six of the Political

Sinking fund.

Creation of sinking fund.

Investment of sinking fund.

Money for interest to be kept on hand.

Collections for payments.

Disposition
of any
surplus.

Bonds in
sinking fund
to be sold.

State
treasurer
to keep
accounts.

Reports.

Books and
papers open
to inspec-
tion.

Payment
of interest.

To take
effect, when.

Exception.

To be sub-
mitted to
people.

Ballots.

Proclama-
tion of
governor.

Code of the State of California. After the payment of all of said bonds the surplus or balance remaining in said sinking fund, if any there be, shall forthwith be paid into the San Francisco harbor improvement fund. At the maturity of said state bonds the said treasurer shall sell the United States bonds then in said sinking fund, at governing market rates, and place the proceeds in said San Francisco depot sinking fund, and shall pay out the same in extinguishment of said state bonds, on controller's warrants duly drawn for that purpose.

SEC. 6. The state treasurer shall keep full and particular account and record of all his proceedings under this act, and he shall transmit to the governor an abstract of all his proceedings thereunder, with his annual report, to be by the governor laid before the legislature; and all books and papers pertaining to the matter provided for in this act shall at all times be open to the inspection of any party interested, or the governor, or attorney general, or a committee of either branch of the legislature, or a joint committee of both.

SEC. 7. It shall be the duty of the state treasurer to pay the interest of said bonds, when the same falls due, out of the sinking fund provided for in this act, on controller's warrants duly drawn for that purpose.

SEC. 8. This act, if adopted by the people, as hereinafter provided for, shall take effect on the thirty-first day of December, A. D. eighteen hundred and ninety-two, as to all its provisions, except those relating to and necessary for its submission to the people, and for returning, canvassing and proclaiming the votes, and as to said excepted provisions this act shall take effect immediately.

SEC. 9. This act shall be submitted to the people of the State of California for their ratification at the next general election, to be holden in the month of November, A. D. eighteen hundred and ninety-two; and the qualified electors of the state shall, at said election, on their ballots vote for or against this act; those voting for the same shall write or have printed on their ballots the words "For the San Francisco Depot Act," and those voting against the same shall write or have printed on their ballots the words "Against the San Francisco Depot Act." The governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said general election.

SEC. 10. The votes cast for or against this act shall be counted, returned and canvassed, and declared in the same manner and subject to the same rules as votes cast for state officers; and if it appear that said act shall have received a majority of all the votes cast for and against it at such election, as aforesaid, then the same shall have effect as hereinbefore provided, and shall be irrevocable until the principal and interest of the liabilities herein created shall be paid and discharged, and the governor shall make proclamation thereof; but if a majority of the votes cast as aforesaid are against this act, then the same shall be and become void.

Counting,
returning,
and can-
vassing of
votes.

Results of
election.

SEC. 11. It shall be the duty of the secretary of state to have this act published in at least one newspaper in each county, or city and county, if one be published therein, throughout this state, for three months next preceding the general election to be holden in the month of November, A. D. eighteen hundred and ninety-two. The costs of such publication shall be paid out of the general fund, on controller's warrants duly drawn for that purpose.

Publication
of act.

Costs, how
paid.

SEC. 12. This act may be known and cited as the "San Francisco Depot Act."

Name of act.

SEC. 13. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

Bateman vs. Colgan, 111 Cal. 580 (cited in *Lewis vs. Colgan*, 115 Cal. 534).

AN ACT

To extend the jurisdiction of the board of state harbor commissioners over East street, San Francisco.

[Approved March 31, 1891; Stats. 1891, p. 261.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. That portion of East street, between Pacific and Folsom streets, in the city and county of San Francisco, which has heretofore been under the jurisdiction of the board of supervisors of said city and county, is hereby placed under the jurisdiction of the board of state harbor commissioners.

Extension
of jurisdic-
tion of
board.

SEC. 2. The board of state harbor commissioners is hereby authorized and directed to assume control of said street within the limits defined in section one, and to operate the same, as required by law for other portions of the water front.

Control
of East
street.

SEC. 3. This act shall take effect from and after its passage.

AN ACT

To empower the board of state harbor commissioners to rectify the alignment of East street, from Pacific street to Market street, in the city and county of San Francisco, and to sell, acquire, and condemn adjacent property.

[Approved March 31, 1891; Stats. 1891, p. 270.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Alignment
of East
street.

SECTION 1. The board of state harbor commissioners is hereby authorized and directed to rectify the alignment of East street, between Pacific street and Market street, in the city and county of San Francisco, said rectification to be done so as to straighten the property lines and give as wide and commodious a thoroughfare as the traffic may demand.

Limitations
of align-
ment.

SEC. 2. In no case shall the alignment of the westerly side of said thoroughfare extend east of the inner line of the thoroughfare as now established and defined by law.

Jurisdiction
of board.

SEC. 3. The jurisdiction of the said board shall be westerly to the line as established under this act.

Powers
of board.

SEC. 4. The board, in carrying out this law shall have the power to purchase and sell, and to exchange, upon a legal and equitable basis, any portion or portions of the property adjacent to the westerly line of the thoroughfare herein provided for; and a full record of their proceedings shall be entered upon their minutes, and a sworn statement of all transfers, sales, and purchases, and other transactions, shall be filed with the secretary of state. Said statements shall show in full all payments and receipts, itemized so as to definitely exhibit the price or prices of each parcel of land transferred.

Record of
proceedings.

Statement
of payments
and receipts.

Condemna-
tion.

SEC. 5. In case of failure on the part of the interested parties to come to a satisfactory agreement, the board shall have the power to condemn, as in other cases, for public purposes.

SEC. 6. This act shall take effect from and after its passage.

AN ACT

To authorize suits against the State, and regulating the procedure therein.

[Approved February 28, 1893; Stats. 1893, p. 57.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. All persons who have, or shall hereafter have, Who may sue the state. claims on contract or for negligence against the state, not allowed by the state board of examiners, are hereby authorized, on the terms and conditions herein contained, to bring suit thereon against the state in any of the courts of this state of competent jurisdiction, and prosecute the same to final judgment. The rules of practice in civil cases shall apply to such suits, except as herein otherwise provided.

SEC. 2. No such suit shall be maintained on any claim now existing, unless the same be brought within two years after this act takes effect; nor shall any such suit be maintained on any cause of action hereafter arising, unless the same shall be commenced within two years after such cause of action shall have accrued; *provided*, that the period of limitation provided Limitation of time. for in section two of this act shall not apply to or affect the rights, interests, or claims of any minor, or insane person, or a person imprisoned on a criminal charge, or in execution under a sentence of a criminal court for a period of not less than for life, or a married woman and her husband be a necessary party with her in commencing such action, or an incompetent person; but such action may be commenced within the period above provided for after such disability shall cease. Exceptions.

SEC. 3. At the time of filing the complaint in any such suit, the plaintiff shall file therewith an undertaking, in such Security for costs to be given. sum not less than five hundred dollars, as a judge of the court shall fix, with two sufficient sureties, to be approved by a judge of the court, and conditioned that, in case the plaintiff fails to recover judgment he will pay all costs incurred by the state in such suit, including a reasonable counsel fee, to be fixed by the court.

SEC. 4. Service of summons in such suits shall be made on the governor and attorney general. It shall be the duty of the attorney general to defend all such suits; and upon his written demand, made at or before the time of answering, the Service of summons.

place of trial of any such suit must be changed to the county of Sacramento.

Amount of
judgment.

SEC. 5. In case judgment be rendered for the plaintiff in any suit, it shall be for the amount actually due from the state to the plaintiff, with legal interest thereon from the time the obligation accrued, and without costs.

Duty of
governor.

SEC. 6. It shall be the duty of the governor to report to the legislature, at each session, all judgments rendered against the state, and not theretofore reported.

Duty of
controller.

SEC. 7. It shall be the duty of the controller to draw his warrant for the payment of any such judgment, without any presentation to or approval of such claim by the state board of examiners, whenever a sufficient appropriation for such payment shall have been made by the legislature; and all claims upon such judgments are hereby expressly exempted from the operation of section six hundred and seventy-two of the Political Code.

SEC. 8. This act shall take effect immediately.

Chapman vs. State, 104 Cal. 693;

Molineaux vs. State, 109 Cal. 387,

Melvin vs. State, 121 Cal. 21, 23;

Davis vs. State, 121 Cal. 211;

Denning vs. State, 123 Cal. 319, 323.

AN ACT

To authorize and empower the board of state harbor commissioners to institute condemnation proceedings against certain property on the corner of Market, Sacramento, and East streets, in the city and county of San Francisco, and extending their jurisdiction over the same.

[Approved March 26, 1895; Stats. 1895, p. 79.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Land for
landing of
passengers
to be con-
demned.

SECTION 1. For the purpose of acquiring terminal facilities for the landing of passengers to and from the passenger and ferry depot at the foot of Market street, in the city and county of San Francisco, the board of state harbor commissioners is hereby authorized and empowered to institute condemnation proceedings in the superior court of the city and county of San Francisco, against all parties in interest claiming any title in and to that certain lot, piece, or parcel of land

in the city and county of San Francisco, bounded and described as follows, to wit:

Commencing at a point on the westerly line of East street, distant thereon sixty (60) feet and four (4) inches northerly from the northwesterly corner of the intersection of the northerly line of Market street with said westerly line of East street; thence southerly along said westerly line of East street sixty (60) feet and four (4) inches to the intersection of said line of East street with the northerly line of Market street; thence westerly along the northerly line of Market street eighteen (18) feet and six (6) inches to the intersection of the northerly line of Market street with the north line of Sacramento street; thence west along the north line of Sacramento street seventy-nine (79) feet and eleven (11) inches to a point on said north line of Sacramento street; thence northeasterly to the point of beginning.

Description
of land to be
condemned.

SEC. 2. The inshore limit of the jurisdiction of said board shall be, and is hereby, extended so as to include the lot of land described in section one of this act.

Jurisdiction
of board
extended.

SEC. 3. The board of state harbor commissioners may institute any action or actions, and prosecute the same to final judgment for the condemnation of any portion of the premises described in section one of this act, and the purposes herein mentioned are hereby declared to be a public use in which the right of eminent domain may be exercised by the board of state harbor commissioners in the name of the people of the state, for the estates and rights, and in the manner provided in part III, title VII, of the Code of Civil Procedure of this state.

To institute
action for
condemna-
tion.

Right of
eminent
domain.

SEC. 4. The board of state harbor commissioners is hereby authorized to pay any judgment rendered against them in such condemnation proceedings, by a draft drawn upon the controller of state, who shall draw his warrant therefor on the state treasury, payable out of any money in said treasury credited to the San Francisco harbor improvement fund.

Authorized
to pay
judgment.

SEC. 5. This act shall take effect from and after its passage.

AN ACT

To amend section three of "An act to regulate contracts on behalf of the state in relation to erections and buildings," approved March 23, 1876, and an act amendatory thereof, approved March 31, 1897.

[Approved March 27, 1895; Stats. 1895; p. 237.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Contracts
for buildings
and
erections.

SECTION 1. Section three of "An act to regulate contracts on behalf of the state, in relation to erections and buildings," approved March twenty-third, eighteen hundred and seventy-six, is hereby amended to read as follows:

Sealed
proposals,
notice of.

Section 3. That after such plans, descriptions, bills of materials, and specifications and estimates as are in this act required are made and approved, in accordance with the requirements of this act, it shall be and is hereby made the duty of such commissioners, directors, trustees, or other officer or officers to whom the duty of devising and superintending the erection, addition to, or alteration or improvement of such institution, asylum, or other improvement as in this act provided, to give or cause to be given public notice of the time and place when and where sealed proposals will be received for performing the labor and furnishing the materials necessary to the erection of such institution, asylum, or other improvement, or for the addition to, altering, or improvement thereof, and a contract or contracts based on such sealed proposals will be made, which notice shall be published weekly for four consecutive weeks next preceding the day named for the making of such contract or contracts, in the paper having the largest circulation in the county where the work is to be let, and in three daily papers having the largest circulation and published one in each of the cities of Los Angeles, Sacramento, and San Francisco, and shall state when and where such plan or plans, descriptions, bills, and specifications can be seen, and which shall be open to public inspection at all business hours between the date of such notice and the making of such contract or contracts. The aforesaid notice must state that separate bids will be received and separate contracts let for the performance of each of the following parts of said erection, addition, alteration, or improvement, including the furnish-

Notice to be
published
in papers.

Separate
bids to be
received.

ing of materials and labor necessary therefor, viz.: *first*, for the masonry work, including all brick, stone, terra cotta, and concrete work and all necessary excavations and filling; *second*, for the iron work; *third*, for the carpenter, plastering, electric, and glazing work; *fourth*, for the plumbing and gasfitting work; *fifth*, for the heating work; *sixth*, for the tinning, galvanized iron, and slating work; and, *seventh*, for the painting and graining work; and there shall be in all such cases as many separate contracts let therefor as there are different kinds of work, according to the foregoing classification, whether the same be let by the state board of harbor commissioners or any other of the aforesaid commissioners, directors, trustees, or other officer or officers.

Masonry
work, etc.

Iron work,
etc.

Carpenter
work, etc.

Plumbing,
etc.

Heating.

Tinning, etc.

Painting,
and graining.

Separate
contracts
for above.

SEC. 2. This act shall take effect and be in force from and after its passage.

Bateman vs. Colgan, 111 Cal. 587.

AN ACT

To add a new section to the Political Code, to be known as section three thousand two hundred and forty-seven, by adding a new section requiring the state and subdivisions of the state to give preference to goods manufactured or produced in the state, when contracting for or purchasing goods or other property.

[Approved March 27, 1897; Stats. 1897, p. 208.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Sec. 3247.

Any person, committee, board, officer, or any other person charged with the purchase, or permitted or authorized to purchase supplies, goods, wares, merchandise, manufactures, or produce, for the use of the state, or any of its institutions or offices, or for the use of any county; or consolidated city and county, or city, or town, shall always—price, fitness and quality equal—prefer such supplies, goods, wares, merchandise, manufactures, or produce as has been grown, manufactured or produced in this state, and shall next prefer such as have been partially so manufactured, grown, or produced in this state. All state, county, city and county, city or town officers, all boards, commissions, or other persons charged with advertising for any such supplies, shall state in their advertisement that

Preference
given to
goods of
local manu-
facture.

Contents of
advertisement.

such preferences will be made. In any such advertisement no bid shall be asked for any article of a specific brand or mark, nor any patent apparatus, or appliances, when such requirement would prevent proper competition on the part of dealers in other articles of equal value, utility, or merit.

No patented article.

AN ACT

To amend an act entitled "An act to secure the payment of the claims of materialmen, mechanics, or laborers, employed by contractors upon state, municipal, or other public work," approved March 27, 1897.

[Approved May 1, 1911; Stats. 1911, p. 1422.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Every contractor, person, company, or corporation, to whom is awarded a contract for the execution or performance of any building, excavating, or other mechanical work for this state, or any county, city and county, city, town, or district therein, shall, before entering upon the performance of such work, file with the commissioners, managers, trustees, officers, board of supervisors, board of trustees, common council, or other body by whom such contract was awarded, a good and sufficient bond, to be approved by such contracting body, officers or board, in a sum not less than one half of the total amount payable by the terms of the contract; such bond shall be executed by the contractor, and at least two sureties, in an amount not less than the sum specified in the bond, and must provide that if the contractor, person, company, or corporation, fails to pay for any materials or supplies furnished for the performance of the work contracted to be done, or for any work or labor done thereon of any kind, that the sureties will pay the same in an amount not exceeding the sum specified in the bond; *provided*, that such claim shall be filed as hereafter required.

Contractor having state, etc., building to give bond to secure payment for materials, etc.

SEC. 2. Any materialman, person, company, or corporation, furnishing materials or supplies used in the performance of the work contracted to be executed or performed, or any person who performed work or labor upon the same, or any person who supplies both work and materials, and whose claim has not been paid by the contractor, company, or corporation,

Materialmen may file statement.

to whom the contract has been awarded, shall, within ninety days from the time such contract is completed, file with the commissioners, managers, trustees, officers, board of supervisors, board of trustees, common council, or other body by whom such contract was awarded, a verified statement of such claims, together with a statement that the same has not been paid. At any time within six months after the filing of such claim, the person, company or corporation filing the same may commence an action against the sureties on the bond, specified and required by section one hereof.

Union Metal Works vs. Dodge, 129 Cal. 394.

AN ACT

Fixing the minimum rate of compensation for labor on public work.

[Approved March 9, 1897; Stats. 1897, p. 90.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The minimum compensation to be paid for labor upon all work performed under the direction, control, or by the authority of any officer of this state acting in his official capacity, or under the direction, control, or by the authority of any municipal corporation within this state, or of any officer thereof acting as such, is hereby fixed at two (2) dollars per day; and a stipulation to that effect must be made a part of all contracts to which the state, or any municipal corporation therein, is a party; *provided, however*, that this act shall not apply to persons employed regularly in any of the public institutions of the state, or any city, city and county, or county.

Minimum
rate of
compensa-
tion for
labor on
public work.

Exception.

SEC. 2. This act shall take effect immediately.

AN ACT

Limiting the hours of daily services of laborers, workmen, and mechanics employed upon the public works of, or work done for, the State of California, or any political subdivision thereof; providing for the insertion of certain stipulations in contracts for public works; imposing penalties for violations of the provisions of this act, and providing for the enforcement thereof.

[Approved March 20, 1899; Stats. 1899, p. 149.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The time of service of all laborers, workmen, and mechanics employed upon any public works of, or work done for, the State of California, or for any political subdivision thereof, whether said work is done by contract or otherwise, is hereby limited and restricted to eight hours in any one calendar day; and it shall be unlawful for any officer of the state, or of any political division thereof, or any person acting for or on behalf thereof, or any contractor or subcontractor, for any part of any public works of, or work done for such state or political subdivision thereof, or any person, corporation, or association whose duty it shall be to employ or to direct and control the services of such laborers, workmen, or mechanics, or who has, in fact, the direction or control of the services of such laborers, workmen, or mechanics, to require or permit them, or any of them, to labor more than eight hours in any one calendar-day, except in cases of extraordinary emergency caused by fire, flood or danger to life and property, or except to work upon public, military, or naval works or defenses in time of war.

SEC. 2. Each and every contract to which the State of California, or any political subdivision thereof, is a party, and every contract made for or on behalf of the said state or any political subdivision thereof, which contract may involve the employment of laborers, workmen, or mechanics, shall contain a stipulation that no laborer, workman, or mechanic in the employ of the contractor, or any subcontractor, doing or contracting to do any part of the work contemplated by the contract, shall be required or permitted to work more than eight hours in any one calendar day, except in cases of extraor-

Eight-hour
day on
public
works.

Exceptions.

Contracts
shall con-
tain a
stipulation.

dinary emergency caused by fire, flood, or danger to life or property, or except to work upon public, military, or naval works or defenses in time of war, and each and every such contract shall stipulate a penalty for each violation of the stipulation directed by this act of ten dollars for each laborer, workman, or mechanic, for each and every calendar day in which he shall labor more than eight hours; and the inspector or other officer or person whose duty it shall be to see that the provisions of any such contract are complied with, shall report to the proper officer of such state, or political subdivision thereof, all violations of the stipulation in this act provided for in each and every such contract, and the amount of the penalties stipulated in any such contract shall be withheld by the officer or person whose duty it shall be to pay the moneys due under such contract, whether the violations for which said penalties were imposed were by the contractor, his agents or employees, or any subcontractor, his agents or employees. No person on behalf of the State of California, or any political subdivision thereof, shall rebate or remit any penalty imposed under any stipulation herein provided for, unless upon a finding which he shall make up and certify that such penalty was imposed by reason of an error of fact. Nothing in this act shall be construed to authorize the collection of said penalty from the state or any political subdivision thereof.

Penalty for
requiring
or permit-
ting more
than eight
hours work

SEC. 3. Any officer of the State of California, or any political subdivision thereof, or any person acting for or on behalf thereof, who shall violate the provisions of this act shall be deemed guilty of a misdemeanor, and be subject to a fine or imprisonment, or both, at the discretion of the court, the fine not to exceed five hundred dollars, nor the imprisonment one year.

Misde-
meanor.

SEC. 4. All acts and parts of acts inconsistent with this act, in so far as they are inconsistent, are hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage.

AN ACT

To amend an act entitled "An act to require an inventory of state and county property, and directing that a record of the same be kept," approved February 9, 1897.

[Became a law under constitutional provision without governor's approval, March 5, 1901; Stats. 1901, p. 93.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of an act entitled "An act to require an inventory of state and county property, and directing that a record of the same be kept," approved February ninth, one thousand eight hundred and ninety-seven, be and the same is hereby amended so as to read as follows:

SEC. 1. It shall be the duty of all state officers, boards and commissions of every kind having in charge property belonging to the state to make an inventory thereof within ninety days from and after the passage of this act, and also on or before the thirty-first day of December, one thousand eight hundred and ninety-eight, and annually thereafter, of all property purchased with state money and in their keeping. The report of said inventory shall, under oath, be made to the state board of examiners, and said inventory shall be recorded by said board of examiners in a book prepared for that purpose. Any state officer or clerk or member of any board or commission of any kind having in charge property belonging to the state, who fails to make the inventory herein provided for within the time limited, shall, upon conviction thereof, be adjudged guilty of a misdemeanor.

SEC. 2. It shall be the duty of all county officers, including supervisors, superintendents of poor farms, hospitals, orphanages or almshouses to make, on or before the first day of July, one thousand eight hundred and ninety-seven, also on or before the thirty-first day of December, one thousand eight hundred and ninety-eight, and annually thereafter, an inventory, showing in detail all county property in their possession or under their charge. In case of county officers and employees, said inventory shall show the source from which said property was derived, and if possible the cost of each item. Each officer referred to in this section shall under oath file his respective inventory with the county clerk at the times and dates mentioned in this section, and all said inventories shall be kept of

Inventory
of state
property.

Inventory
of county
property.

record by the county clerk. Any person whose duty it is under this section to make and file the inventory herein provided for, or shall fail to perform said duty as required hereby within the time limited herein, shall upon conviction thereof be adjudged guilty of a misdemeanor.

SEC. 3. The outgoing officers, boards, commissions and employees mentioned in sections one and two of this act shall deliver to their successor in office an inventory of all state or county property in their possession, and the incoming officer shall receipt for the same. Any person omitting to comply with the provisions of this section shall be adjudged guilty of a misdemeanor.

Penalty for failure to comply.

SEC. 4. This act shall take effect immediately.

AN ACT

Empowering and authorizing the board of state harbor commissioners to insure against loss or damage by fire, the property of the State of California located on the water front of San Francisco, California.

[Approved March 25, 1901; Stats. 1901, p. 809.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The board of state harbor commissioners are hereby empowered and authorized to insure against loss or damage by fire the wharves, docks, piers, slips, bulkheads, and structures contained thereon, and improvements located inside and outside of the water front line, the property of the State of California, and under the control and supervision of the board of state harbor commissioners, situate on the water front of San Francisco, California.

Insurance of state property of San Francisco water front.

SEC. 2. This insurance is to be effected and distributed at the discretion and under the direction of the board of state harbor commissioners. The aggregate amount of such fire insurance placed not to exceed the sum of seven hundred thousand dollars, and the cost of same not to exceed the amount of fourteen thousand dollars in premiums for policies to be written for a three years' term. Said cost to be defrayed and paid out

Amount of insurance and premium.

of the San Francisco harbor improvement fund. [*Amendment approved March 20, 1905; Statutes 1905, p. 295.*]

SEC. 3. All acts and parts of acts in conflict herewith are hereby repealed.

SEC. 4. This act shall take effect immediately.

AN ACT

Limiting the hours of daily service of laborers, workmen, and mechanics employed upon the public works of, or work done for, the State of California, or any political subdivision thereof; providing for the insertion of certain stipulations in contracts for public works; imposing penalties for violations of the provisions of this act, and providing for enforcement thereof.

[Approved March 23, 1901; Stats. 1901, p. 561.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Hours of
daily
service of
laborers,
et al.,
upon state
work.

SECTION 1. The time of service of all laborers, workmen, and mechanics employed upon any public works of, or work done for, the State of California, or for any political subdivision thereof, whether said work is done by contract or otherwise, is hereby limited and restricted to eight hours in any one calendar day; and it shall be unlawful for any officer of the state or of any political subdivision thereof, or for any person, corporation, or association acting in behalf thereof, whose duty it shall be to employ, or to direct and control the services of such said laborers, workmen, or mechanics upon any of the above said public works, or who have, in fact, the employment, or the direction and control of the services of such said laborers, workmen, or mechanics upon any of said works, to require or permit them, or any of them, to labor thereupon more than eight hours in any one calendar day, except in cases of extraordinary emergency caused by fire, flood, or danger to life, property, or except to work upon public, military or naval works or defenses in time of war.

Contracts
of state
must
contain
stipulations
of hours
of labor.

SEC. 2. In every case in which a contract is made for and on behalf of the State of California, or for or on behalf of any political subdivision thereof, which involves the employment of laborers, workmen, or mechanics to do work to be done upon the public works of, or work to be done for the said state, or

for the said political subdivision thereof, under the terms of said contract, the officer, board, commission, or other agent or agency of the said state, or of the said political subdivision, acting for or on behalf of said state, or of said political subdivision, as the case may be, in making and awarding the said contract, shall cause to be inserted therein, and to be agreed to by every person, firm or corporation to whom said contract or any interest therein is awarded, as a condition upon which such award is made and accepted, a stipulation, namely: That Stipulation. no laborer, workman, or mechanic employed at any time by the said contractor or contractors, or by any subcontractor or subcontractors under him or under them, upon the work, or upon any part of the work contemplated by the said contract, shall be required or permitted to work thereupon more than eight hours in any one calendar day, except in cases of extraordinary emergency caused by fire, flood, or danger to life or property, or except to work upon public, military, or naval works or defenses in time of war; that the said contractor or contractors thereby agrees or agree to forfeit, out of any moneys becoming due to him or to them from the state, or from the political subdivision thereof, as the case may be, under the terms of the said contract, the sum of ten dollars for each laborer, workman, or mechanic, for each and every calendar day upon which he shall labor more than eight hours in violation of the terms of the said stipulation, and that the state, or the political subdivision thereof, as the case may be, is thereby authorized and directed to, through its proper representatives, withhold from the said contractor, or from the said contractors, as the property of the state, or of the political subdivision thereof, as the case may be, all sums forfeited as described under the terms of the said stipulation. It shall be the duty of the officer, board, commission, or other contractor, as the property of the state, or of the political subdivision thereof, as the case may be, acting for or on behalf of said state, or of said political subdivision, in making and awarding any contract such as is described in this section, to take cognizance of all violation of the herein provided for stipulation in said contract, and to report the same to the officer, or other person, representing the said state, or political subdivision thereof, whose duty it shall be to pay the moneys due under said contract, and it shall be the duty of such officer, or other person, when making payment of moneys thus due, to withhold and retain, in accordance with the provisions of this section, all

Contract
void if it
does not
contain
stipulation.

sums which may have been forfeited under the provisions of the herein provided for stipulation. Nothing in this act shall be construed to authorize the collection of a forfeiture as described herein, from the state, or from any political subdivision thereof. Any contract such as described in this section, made for or on behalf of the State of California, or for or on behalf of any political subdivision thereof, which does not contain the stipulation herein described, shall be null and void, and no recovery shall be had thereupon.

Penalty
for viola-
tion by
state
officer.

SEC. 3. Any officer of the State of California, or any political subdivision thereof, or any person acting for or on behalf thereof, who shall violate the provisions of this act, shall be deemed guilty of a misdemeanor, and be subject to a fine or imprisonment, or both, at the discretion of the court, the fine not to exceed five hundred dollars, nor the imprisonment one year.

SEC. 4. All acts and parts of acts inconsistent with this act, in so far as they are inconsistent, are hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage.

This act, partially, at least, superseded by Statutes 1903, p. 119, which latter act is now embodied in section 653a, Penal Code.

AN ACT

To regulate the sales of perishable products on the wharves and other state property in the city and county of San Francisco by prohibiting such sales except by or in behalf of those holding permits from the board of state harbor commissioners, and making such unlawful sales a misdemeanor, and prescribing the penalty therefor, and providing the conditions upon which such permits shall be issued.

[Approved March 2, 1903; Stats. 1903, p. 73.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Unlawful
to sell on
wharves
without
permit.

SECTION 1. It shall be unlawful for any person to sell, upon the public wharves or other property belonging to this state, in the city and county of San Francisco, and within the jurisdiction of the board of state harbor commissioners, any fruit, vegetables, poultry, eggs, honey, game, or other produce commonly known, and hereinafter referred to as perishable

products, unless such person or the person, firm or corporation, which he may duly represent, shall hold the permit hereinafter described authorizing such sales to be made. Any violation of this act shall be deemed a misdemeanor punishable by a fine of not less than twenty-five dollars or more than five hundred dollars.

SEC. 2. Perishable products consigned to persons, firms or corporations not holding the permit hereinafter described, and delivered by carrier upon any wharf on the San Francisco water front, must be removed from said wharf within twenty-four hours after their arrival, and the board of state harbor commissioners must levy and collect on such perishable products in addition to the regular state tolls, such additional wharfage as they may prescribe, but not less than the amount of the regular tolls, for each twenty-four hours or fraction thereof which such perishable products shall remain upon the wharf.

Non-holders of permits must remove products from wharf within twenty-four hours.

SEC. 3. Upon application of any person, firm or corporation receiving or expecting to receive perishable products to be delivered by carrier upon any wharf on the San Francisco water front, the board of state harbor commissioners shall issue free of charge to such applicant, a permit authorizing him to sell such products when delivered on the wharves or state property, during the time such perishables are permitted to remain there, under the general regulations prescribed by the commission; *provided, nevertheless*, that said permit shall not be issued until the applicant shall have signed the application, which shall read as follows:

Application to sell.

Issue permit free of charge.

Under general regulations.

"I (or we), _____ expecting to receive consignments of perishable products to be delivered by carrier on the wharves or other property of the State of California in the city and county of San Francisco, and desiring to dispose of the same before removal, hereby make application for a permit to be valid for one year from the date of issue, to sell perishable products on said wharves or other state property. In consideration of the receipt of such permit, I (or we) promise to faithfully observe all the regulations which are or may be prescribed by the board of the state harbor commissioners in regard to such sales, and in particular I (or we) agree that I (or we) will not, during the life of such permit, be a party to any conspiracy, agreement or understanding whereby I (or we) shall refuse to sell any solvent purchaser or buy from any person whatever, and I (or we) agree that I (or we) will sell,

Form of application.

impartially, and at the same prices, to all who desire to purchase for cash, without regard to their business or intended disposition of the products, and will exercise no discrimination whatever between buyers or sellers, by reason of their occupation, affiliations or non-affiliations. I (or we) also agree that in case of violation of this agreement, the board of state harbor commissioners may revoke the permit hereby applied for, whereupon I (or we) agree to surrender the same, and I (or we) agree that the board of state harbor commissioners shall be the sole judges of the fact of such violation, I (or we) having had a hearing in the matter.

Date _____.

Form of
permit.

Valid for
year.

Violations
of agree-
ment.

Notice of
hearing.

Cancel
permit.

SEC. 4. The permit herein provided for shall be in such form as the board of state harbor commissioners may determine and shall be valid for one year from date of issue and no longer.

SEC. 5. In case of violation of his agreement by the holder of any permit the board of state harbor commissioners upon a hearing after giving due notice to all parties concerned, and finding the fact of such violation shall revoke and cancel the permit, and shall not issue a new permit to the offending party, except upon a new execution of the agreement hereinbefore set forth and the payment of a fee of fifty dollars, and the right to receive a new permit shall rest in the discretion of said board of state harbor commissioners.

SEC. 6. The board of state harbor commissioners and all its officials and employees are charged with the enforcement of this act, and shall eject from the wharves or other state property, all persons found attempting to make sales in violation of this act. And the board of state harbor commissioners through such officials as it may from time to time designate, shall prosecute all violations of this act in the proper court.

SEC. 7. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 8. This act shall take effect immediately.

AN ACT

To amend an act entitled "An act to authorize the state board of harbor commissioners to establish and maintain a free public market upon the water front of San Francisco, and providing for the expenses and regulations thereof," approved March 29, 1897.

[Approved March 2, 1903; Stats. 1903, p. 76.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The board of state harbor commissioners shall, within one year from the passage of this act, set apart upon some convenient portion of the water front of San Francisco a sufficient number of blocks and parts of blocks belonging to the state contiguous to the docks and piers for a free market for the greater portion of all the perishable products of the State of California arriving in San Francisco by land, boat, or other conveyance, including fruit, vegetables, eggs, poultry, grain, dairy products, and fish, and shall permit the sale of such products upon said blocks and portions of blocks of land by or for the account of the producers thereof only, under such regulations as may be prescribed by the said board of harbor commissioners, and as the public convenience may require.

Free market.

Sale of products for account of producers only.

SEC. 2. The land so set apart for the free public market shall be as convenient as possible to that portion of the city and county of San Francisco in which the principal wholesale trade in perishable products is now carried on, and must be adjacent and contiguous to such piers and docks as are accessible to all water craft ordinarily employed in carrying such products upon the waters of San Francisco bay and the navigable waters contributing thereto, and vessels so loaded shall have the preference at all times at docking at such wharves and piers contiguous to said lands over other vessels not so loaded.

Regulations by board.

Location convenient and adjacent to wharves.

SEC. 3. Docking room at said piers shall be assigned without partiality to all vessels engaged in the transportation of said products, and the space assigned shall be sufficient to permit such vessels regularly running upon a route to receive and discharge their entire cargoes of such products at the piers aforesaid, if they so desire, subject to the control and direction of the board of state harbor commissioners. And the said board of state harbor commissioners shall construct car tracks

Assignment of docking room.

Connect docks and market with belt railway.

to connect the said docks and piers with the land so set apart for the free public market and with the belt railroad. For the use of these tracks the state harbor commissioners shall prescribe such regulations as public convenience may require, and fix the compensation to be paid by the companies making use of them for this purpose.

Enclose
market.
Construct
tramways.

SEC. 4. The harbor commissioners shall suitably inclose said free market and construct suitable tramways and tracks or other devices for the rapid conveyance of perishable products from car or boat or other conveyance to the stalls in the free market, and operate the same.

Free use
of space.

SEC. 5. The harbor commissioners shall assign space within the free market to all producers of perishable products, under such regulations as the harbor commissioners may prescribe. No rental shall be charged for space in the free market. Any violation of this act, or of the regulations made pursuant thereof, shall exclude the person or firm guilty of such violation from the privilege of selling in the free market, during the pleasure of the harbor commissioners, not exceeding one year, in addition to any other penalty which may be incurred thereby.

Penalty for
violations.

Expenses of
market pro-
vided for.

SEC. 6. For the payment of the expenses of said free market the said board of state harbor commissioners may, in their judgment, so adjust tolls upon the said perishable products as shall be delivered into said free market as to provide the necessary revenue; *provided, however*, that no one shall be compelled to enter into said free public market, and no tolls for the purpose of paying the expenses of said free market shall be levied, assessed, or inflicted upon any products not entering into said free public market; *and provided, further*, that the total of such tolls so levied shall not exceed the total expense of maintaining such free market.

Officers of
free market.

SEC. 7. The officers of said free market shall be a superintendent and assistant superintendent, who shall also be secretary, and such other employees as the state board of harbor commissioners may appoint. The salary of all employees of said free market shall be fixed by the state board of harbor commissioners, and be paid out of the general fund of said harbor commissioners the same as other employees.

Officers must
qualify and
give bonds.

SEC. 8. All officers and employees of any public market on state property are officers and employees of the state, and shall qualify in the same manner as other employees, and give such bonds as the harbor commissioners may prescribe.

SEC. 9. There is hereby appropriated out of the San Francisco harbor improvement fund the necessary moneys to enable the harbor commissioners to carry this act into effect, and this appropriation shall have precedence of all other claims in such fund for improvements.

Moneys to carry act into effect.

AN ACT

Limiting the hours of service of laborers, workmen, and mechanics employed upon the public works of, or work done for, the State of California, or of, or for any political subdivision thereof, imposing penalties for violation of the provisions of said act, and providing for the enforcement thereof.

[Approved March 10, 1903; Stats. 1903, p. 119.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The time of service of any laborer, workman, or mechanic employed upon any of the public works of the State of California, or of any political subdivision thereof, or upon work done for said state, or any political subdivision thereof, is hereby limited and restricted to eight hours during any one calendar day; and it shall be unlawful for any officer or agent of said state, or of any political subdivision thereof, or for any contractor or subcontractor doing work under contract upon any public works aforesaid, who employs, or who directs or controls, the work of any laborer, workman, or mechanic, employed as herein aforesaid, to require or permit such laborer, workman or mechanic, to labor more than eight hours during any one calendar day, except in cases of extraordinary emergency, caused by fire, flood; or danger to life or property, or except to work upon public, military or naval defenses or works in time of war.

Hours of labor on public works.

SEC. 2. Any officer or agent of the State of California, or of any political subdivision thereof, making or awarding, as such officer or agent, any contract, the execution of which involves or may involve the employment of any laborer, workman or mechanic upon any of the public works, or upon any work, hereinbefore mentioned, shall cause to be inserted therein a stipulation which shall provide that the contractor to whom said contract is awarded shall forfeit, as a penalty, to the state or political subdivision in whose behalf the contract is made

Contracts shall provide for limit of hours of service.

and awarded, ten (10) dollars for each laborer, workman, or mechanic employed, in the execution of said contract, by him or by any subcontractor under him, upon any of the public works, or upon any work, hereinbefore mentioned, for each calendar day during which such laborer, workman, or mechanic is required or permitted to labor more than eight hours in violation of the provisions of this act; and it shall be the duty of such officer or agent to take cognizance of all violations of the provisions of said act committed in the course of the execution of said contract, and to report the same to the representative of the state or political subdivision, party to the contract, authorized to pay to said contractor moneys becoming due to him under the said contract, and said representative, when making payments of moneys thus due, shall withhold and retain therefrom all sums and amounts which shall have been forfeited pursuant to the herein said stipulation.

Violation
a misde-
meanor.

SEC. 3. Any officer, agent, or representative of the State of California, or of any political subdivision thereof, who shall violate any of the provisions of this act, shall be deemed guilty of misdemeanor, and shall upon conviction be punished by fine not exceeding five hundred (500) dollars, or by imprisonment, not exceeding six (6) months, or by both such fine and imprisonment, in the discretion of the court.

SEC. 4. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 5. This act shall take effect and be in force from and after the date of its passage.

AN ACT

To provide for the issuance and sale of state bonds to create a fund for the construction by the board of state harbor commissioners of a seawall and appurtenances in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and providing for the submission of this act to a vote of the people.

[Approved March 20, 1903; Stats. 1903, p. 247.]

The people of the State of California, represented in senate and assembly, do enact as follows:

State treasurer to prepare bonds for seawall improvement.

SECTION 1. For the purpose of providing a fund for the payment of the indebtedness hereby authorized to be incurred by the board of state harbor commissioners for the erection of

a seawall and appurtenances in the city and county of San Francisco, at a cost not to exceed two million dollars (which said seawall and appurtenances the board of state harbor commissioners are hereby empowered to construct in the manner, authorized by law, and at a cost not to exceed said two million dollars), the state treasurer shall, immediately after the issuance of the proclamation of the governor, provided for in section ten hereof, prepare two thousand suitable bonds of the State of California, in the denomination of one thousand dollars each. The whole issue of said bonds shall not exceed the sum of two million dollars, and said bonds shall bear interest at the rate of four per centum per annum, from the time of the sale thereof, and both principal and interest shall be payable in gold coin of the present standard value, and they shall be payable at the office of the state treasurer, at the expiration of nineteen years from their date, subject, however, to redemption by lot as in this act hereinafter provided. Said bonds shall bear date, the second day of January, A. D. nineteen hundred and five, and shall be made payable on the second day of January, nineteen hundred and twenty-four A. D. The interest accruing on such of said bonds as are sold, shall be due and payable at the office of the said state treasurer on the second day of January, and on the second day of July, of each year after the sale of the same; *provided*, that the first payment of interest shall be made on the second day of January, A. D. nineteen hundred and six, on so many of said bonds as may have been theretofore sold. At the expiration of nineteen years from the date of said bonds, all bonds sold shall cease to bear interest and likewise all bonds redeemed by lot shall cease to bear interest as in this act provided, and the said state treasurer shall call in, forthwith pay and cancel the same, out of the moneys in the San Francisco seawall sinking fund provided for in this act, and he shall on the first Monday of January, nineteen hundred and twenty-four, also cancel and destroy all bonds not theretofore sold. All bonds issued shall be signed by the governor, and countersigned by the controller, and shall be endorsed by the state treasurer, and each shall have the seal of the state stamped thereon. Each bond shall contain a clause that it is subject to redemption by lot after the year 1914.

Interest
rate.

When
payable.

When in-
terest shall
cease.

When
subject to
redemption.

SEC. 2. Interest coupons shall be attached to each of said bonds, so that such coupons may be removed without injury to or mutilation of the bond. Said coupons shall be consecutively

Interest
coupons.

numbered, and shall be signed by the state treasurer. But no interest on any of said bonds shall be paid for any time which may intervene between the date of any of said bonds and the issue and sale thereof to a purchaser.

Appropriation for expense of issue.

SEC. 3. The sum of one thousand dollars is hereby appropriated to pay the expense that may be incurred by the state treasurer in having said bonds prepared. Said amount shall be paid out of the San Francisco harbor improvement fund on controller's warrants duly drawn for that purpose.

Shall be sold at public auction.

SEC. 4. When the bonds authorized to be issued under this act shall be duly executed, they shall be by the state treasurer sold at public auction to the highest bidder for cash, in such parcels and numbers as said treasurer shall be directed by the governor of the state, under the seal thereof, after a resolution requesting such sale shall have been adopted by the board of state harbor commissioners; but said treasurer must reject any and all bids for said bonds; or for any of them, which shall be below the par value of said bonds so offered; and he may, by public announcement at the place and time fixed for the sale, continue such sale, as to the whole of the bonds offered, or any part thereof offered, to such time and place as he may select.

Publication of notice of sale.

Due notice of the time and place of sale of all bonds must be given by said treasurer by publication in two newspapers published in the city and county of San Francisco, and also by publication in one newspaper published in the city of Oakland, and by publication in one newspaper published in the city of Los Angeles, and by publication in one newspaper published in the city of Sacramento, once a week during four weeks prior to such sale. The costs of such publication shall be paid out of the San Francisco harbor improvement fund, on controller's warrants duly drawn for that purpose. The proceeds of the sale of such bonds shall be forthwith paid over by said treasurer into the treasury, and must be by him kept in a separate fund, to be known and designated as the "San Francisco Seawall Fund," and must be used exclusively for the construction of seawalls and appurtenances thereto on the water front of the city and county of San Francisco. Drafts and warrants upon said fund shall be drawn upon and shall be paid out of said fund in the same manner as drafts and warrants are drawn upon and paid out of the San Francisco harbor improvement fund.

"San Francisco Seawall Fund" created.

Sinking fund created.

SEC. 5. For the payment of the principal and interest of said bonds a sinking fund, to be known and designated as the "San Francisco Seawall Sinking Fund," shall be and the same

is hereby created, as follows: The state treasurer shall, on the first day of each and every month after the sale of said bonds, take from the San Francisco harbor improvement fund such sum as, multiplied by the time the bonds then sold and outstanding have to run, will equal the principal of the bonds sold and outstanding at the time said treasurer shall so take said sum from said San Francisco harbor improvement fund, less the amount theretofore taken therefrom for said purpose; and he shall place the sum in the San Francisco seawall sinking fund created by this act. Said state treasurer shall, on controller's warrants duly drawn for that purpose, employ the moneys in said sinking fund in the purchase of bonds of the United States, or of the State of California, or of the several counties or municipalities of the State of California, which said bonds shall be kept in a proper receptacle, appropriately labeled; but he must keep always on hand a sufficient amount of money in said sinking fund with which to pay the interest on such of the state bonds herein provided to be issued as may have theretofore been sold. And to provide means for the payment of interest on the bonds that may be sold and outstanding, said treasurer shall monthly take from the San Francisco harbor improvement fund, and pay into said seawall sinking fund, an amount equal to the monthly interest then due on all bonds then sold, delivered and outstanding. The board of state harbor commissioners are hereby authorized and directed by the collection of dockage, tolls, rents, wharfage and cranage, to collect a sum of money sufficient for the purpose of this act, over and above the amount limited by section two thousand, five hundred and twenty-six of the Political Code of the State of California. Between the first and the tenth day of November, in the year nineteen hundred and fourteen, and between the first and the tenth day of November of each year thereafter until the maturity of said bonds, the said treasurer shall, in the presence of the governor, proceed to draw by lot such an amount of bonds as shall be requisite to exhaust as nearly as may be the amount in said sinking fund at that time, and shall thereupon and before the tenth day of December following, give notice by public advertisement to be inserted twice a week for two weeks in two newspapers published in the city and county of San Francisco, and also in one newspaper published in the city of Oakland, and also in one newspaper published in the city of Los Angeles, and also in one newspaper published in the city of Sacramento, stating the number of

Purchase
of public
bonds.

Means pro-
vided for
payment
of interest.

Arbitrary
drawing of
bonds for
cancellation.

bonds so drawn and that the principal of said bonds will be paid on presentation to the treasurer on or before the second day of January following, and that from and after such last-named date all interest upon bonds thus drawn shall cease, and it shall be the duty of the treasurer as soon as said bonds so drawn by lot are surrendered to him and paid, to cancel the same and the interest coupons thereon, and each year beginning with the year nineteen hundred and fourteen the said treasurer shall, in the manner aforesaid, proceed to draw by lot such an amount of bonds as shall be requisite to exhaust as nearly as may be the amount in said sinking fund, and proceed in the manner hereinabove stated. After the payment of all of said bonds, the surplus or balance remaining in said sinking fund, if any there be, shall forthwith be paid into the San Francisco harbor improvement fund. At the time of the respective drawings by lot as aforesaid, and also at the maturity of said state bonds, said treasurer shall sell the United States or other bonds then in said sinking fund, at governing market rates, after advertising the sale thereof in the manner hereinbefore provided for the sale of bonds hereby authorized to be issued, and shall use the proceeds for the payment of such bonds as may be drawn by lot, and at the maturity of said bonds outstanding shall pay and redeem said matured outstanding bonds out of said moneys in said fund in extinguishment of said bonds on controller's warrants duly drawn for that purpose.

Controller and treasurer to make annual report to governor.

SEC. 6. The state controller and the state treasurer shall keep full and particular account and record of all their proceedings under this act, and they shall transmit to the governor an abstract of all such proceedings thereunder, with an annual report, to be by the governor laid before the legislature biennially; and all books and papers pertaining to the matter provided for in this act shall at all times be open to the inspection of any party interested, or the governor, or the attorney general, or a committee of either branch of the legislature, or a joint committee of both, or any citizen of the state.

Interest payments.

SEC. 7. It shall be the duty of the state treasurer to pay the interest of said bonds, when the same falls due, out of the sinking fund provided for in this act, on controller's warrants duly drawn for that purpose.

When act effective.

SEC. 8. This act, if adopted by the people, shall take effect on the thirty-first day of December, A. D. nineteen hundred and four, as to all its provisions except those relating to and necessary for its submission to the people, and for returning,

canvassing, and proclaiming the votes, and as to said excepted provisions this act shall take effect immediately.

SEC. 9. This act shall be submitted to the people of the State of California for their ratification at the next general election, to be holden in the month of November, A. D. nineteen hundred and four; and all ballots at said election shall have printed thereon, and at the end thereof, the words "For the San Francisco Seawall Act," and in a separate line under the same the words, "Against the San Francisco Seawall Act," and opposite said lines there shall be left spaces in which the voters may make or stamp a cross to indicate whether they vote for or against the said act, and those voting for said act shall do so by placing a cross opposite the words, "For San Francisco Seawall Act," and all those voting against the said act shall do so by placing a cross opposite the words, "Against the San Francisco Seawall Act." The governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said general election.

Shall be submitted to the people for ratification.

SEC. 10. The votes cast for or against this act shall be counted, returned and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers; and if it appear that said act shall have received a majority of all the votes cast for and against it at such election as aforesaid, then the same shall have effect as hereinbefore provided, and shall be irrepealable until the principal and interest of the liabilities herein created shall be paid and discharged, and the governor shall make proclamation thereof; but if a majority of the votes cast as aforesaid are against this act, then the same shall be and become void.

Canvass of votes.

SEC. 11. This act may be known and cited as the "San Francisco Seawall Act."

Name of act.

SEC. 12. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Spear vs. Reeves, 148 Cal. 501.

AN ACT

To provide for the payment by the state or counties, or cities, or cities and counties, of the premium or charge on official bonds when given by surety companies.

[Approved March 25, 1903. Stats. 1903, page 476.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Premiums
on official
bonds a
public
charge.

SECTION 1. The premium or charge for bonds given by surety companies for state officials, county officials, city officials, or city and county officials, shall be paid by the state, county, city, or city and county respectively; *provided, however, that no premium or charge shall exceed one half of one per cent per annum on the amount of such bond; and provided further, that this act shall not apply to notaries public.*

SEC. 2. This act shall take effect from and after its passage.

AN ACT

To add a new title to part IV of an act entitled "An act to establish a Political Code," approved March 12, 1872, to be known as title V, regulating publications by state officers and commissioners, common councils, boards of trustees, or supervisors, in counties, cities, cities and counties, or towns.

[Approved March 25, 1903; Stats. 1903, p. 478.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby added a new title to part four of an act entitled "An act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, to be known as title five, and to read as follows:

TITLE V.

Publication by state officers and commissioners, or the officers of counties, cities, cities and counties, or towns.

4458. Publications.

4459. Newspapers of general circulation.

4458. Whenever any publication, or notice by publication or official advertising, is required to be given or made by the provisions of this code, the Civil Code, the Code of Civil Pro-

cedure, the Penal Code, or by any law of the state, by any officer now existing, or any hereafter to be created, in this state, or any political subdivision thereof, or by any officer of a county, city, city and county, or town, such publication of notice by publication, or official advertising, shall be given or made only in a newspaper of general circulation, where such a newspaper is published within the jurisdiction of said official.

4459. A newspaper of general circulation is a newspaper published for the dissemination of local or telegraphic news and intelligence of a general character, having a bona fide subscription list of paying subscribers, and which shall have been established, printed, and published, in the state, county, city, city and county, or town, where such publication, notice of publication, or official advertising, is given or made for at least one year. A newspaper devoted to the interests, or published for the entertainment of a particular class, profession, trade, calling, race, or denomination, or any number thereof, is not a newspaper of general circulation.

Defining
newspaper
of general
circulation.

SEC. 2. This act shall take effect immediately.

AN ACT

To amend an act entitled "An act to establish a Penal Code," approved February 14, 1872, by adding a new section to said Penal Code, to be known and numbered as section four hundred and two and three quarters, relating to the furnishing or erecting of unsafe or improper scaffolding or mechanical contrivances.

[Approved March 19, 1903; Stats. 1903, p. 216.]

The people of the State of California, represented in senate and assembly, do enact as follows:

402 $\frac{3}{4}$. Any person or corporation employing or directing another to do or perform any labor in the construction, alteration, repairing, painting or cleaning of any house, building or structure within this state, who knowingly or negligently furnishes or erects or causes to be furnished or erected for the performance of such labor, unsafe or improper scaffolding, slings, hangers, blocks, pulleys, stays, braces, ladders, irons, ropes or other mechanical contrivances, or who hinders or obstructs any officer attempting to inspect the same under the provisions of section twelve of "An act to establish and sup-

Unsafe
scaffolding.

Penalty for
erecting.

port a bureau of labor statistics," or who destroys, defaces or removes any notice posted thereon by such officer, or permits the use thereof, after the same has been declared unsafe by such officer, contrary to the provisions of said section twelve of said act, shall be guilty of a misdemeanor.

AN ACT

To provide for the reconstruction and repair by the board of state harbor commissioners of the damaged property of the State of California situated on the water front of the city and county of San Francisco, and making an appropriation therefor.

[Approved June 14, 1906; Stats. 1906, p. 38.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Repair and
reconstruction of state
property
on water
front in
San Francisco.

SECTION 1. The board of state harbor commissioners are hereby authorized and empowered in the manner and method authorized by law to reconstruct and repair the damaged property of the State of California, situated on the water front of the city and county of San Francisco.

Appropriation.

SEC. 2. There is hereby appropriated, for said purposes, out of any moneys in the state treasury, not otherwise appropriated, the sum of one hundred thousand (\$100,000.00) dollars, and the state controller and the state treasurer are hereby directed to transfer said sum from the general fund to the San Francisco harbor improvement fund.

SEC. 3. This act shall take effect and be in force from and after its passage.

AN ACT

To amend an act entitled "An act to amend section one of an act entitled 'An act requiring the payment into the state treasury of all moneys belonging to the state, received by the various state institutions, commissions and officers, and directing the disposition of the same,' approved March seven-teenth, eighteen hundred and ninety-nine," approved March 20, 1905.

[Approved June 14, 1906; Stats. 1906, p. 43.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of the said act is hereby amended so as to read as follows:

SECTION 1. All moneys belonging to the state received from any source whatever by any officer, commission or commissioner, board of trustees, board of managers or board of directors, shall be accounted for at the close of each month to the state controller, in such form as the controller may prescribe, and at the same time, on the order of the controller, be paid into the state treasury; *provided*, in the case of any state hospital, asylum, prison, school or harbor, supported by or under control of the state, said money shall be credited to a fund to be known as the contingent fund of the particular institution from which such money is received, and may be expended under the same laws and provisions that govern the expenditure of money appropriated for the support of such institution; *and provided*, that in every case where the law directs the board of trustees, managers or directors, or officer to refund any money upon the death or discharge of any inmate of said hospital, asylum, prison, school or other institution, or to provide a discharged inmate with any sum of money or with wearing apparel, such amount of money necessary shall be paid by the board of trustees, managers or directors or officer, upon demand; and in the statement to the controller herein provided for, these amounts shall be itemized and the aggregate deducted from the amount to be paid into the state treasury; *provided, further*, that all money collected by boards of harbor commissioners shall be paid into the harbor improvement fund of the respective harbor where collected, except so much thereof as may be necessary to pay the expense of urgent

Moneys belonging to the state to be paid into the treasury.

Credited to certain funds.

Exceptions.

Exceptions.

repairs, not to exceed in the aggregate ten thousand dollars per month, which sum, if so much be required, may be used in repairing the wharves, piers, landings, thoroughfares, sheds, and other structures, and the streets bounding on the water front under the jurisdiction of such board of harbor commissioners, without advertising the proposals therefor.

SEC. 2. This act shall take effect immediately.

AN ACT

To amend an act entitled "An act to create for the State of California a department of engineering, to provide for the appointment of the officers and employees thereof, defining its powers and prescribing the duties of said department, its officers and employees, to provide the compensation of such officers and employees, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year and making certain acts a felony, and repealing an act entitled 'An act creating a commissioner of public works, defining his duties and powers, and fixing his compensation,' approved February ninth, nineteen hundred, and all acts or parts of acts amendatory thereof; also repealing an act entitled 'An act to create a department of highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employees thereof, and to provide for the compensation of said officers and employees, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year,' approved April first, eighteen hundred and ninety-seven; also repealing an act entitled 'An act providing for the appointment of an auditing board to the commissioner of public works, authorizing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid; making certain acts a felony, and making an appropriation of money for the purposes of this act,' approved March seventeenth, eighteen hundred ninety-seven, and all acts or parts of acts amendatory thereof; also repealing an act entitled 'An act to provide for the appointment, duties and compensation of a débris commissioner, and to make an appropriation to be

expended under his direction in the discharge of his duties as such commissioner,' approved March twenty-fourth, eighteen hundred and ninety-three, and all acts or parts of acts amendatory thereof; also repealing an act entitled, 'An act to create the office of Lake Tahoe wagon road commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this act,' approved April first, eighteen hundred ninety-seven, and all acts or parts of acts amendatory thereof," approved March eleventh, nineteen hundred and seven, and all acts or parts of acts amendatory thereof, by amending sections 1, 1½, 2, 3, 7, 9, 11, 17 and 19 thereof and by adding a new section thereto to be numbered section 6a, relating to the officers and employees of the department of engineering, their powers, duties and salaries.

[Approved April 8, 1911; Stats. 1911, p. S23.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. A department of and for the State of California to be known as the department of engineering is hereby created, to consist of an advisory board composed of the governor as ex officio member and chairman of said board, and a state engineer who shall be the chief executive officer of the department, the general superintendent of state hospitals, the chairman of the state board of harbor commissioners of San Francisco, and three other members to be appointed by the governor, which said three appointive members shall hereafter in this act be designated as the appointed members of said advisory board. The said department, its officers and employees, shall have and exercise the powers and duties hereinafter set forth and specified, and such as are or may be hereafter provided by law. -

Department of engineering.

Advisory board.

SEC. 1½. Upon this act becoming effective the governor shall appoint five persons who shall be known as a consulting board to the department of state engineering upon all matters that affect irrigation, drainage and river improvement. Such board shall meet at such times as the work requires and shall meet at least once in two months. They may report to the advisory board on all matters relating to irrigation, drainage and river improvement together with their conclusions thereon,

Consulting board.

Meetings.

Reports.

and may render a report to the advisory board upon all plans for river improvements.

Head of
depart-
ment.

SEC. 2. Upon this act becoming effective the governor shall appoint a competent civil engineer as the head of the department of engineering, and such person shall be known as the state engineer. The state engineer shall devote his entire time to the services of the state and shall not actively engage in any other pursuit while serving as such state official. He shall have charge of all the engineering and structural work of the department and may receive by and through the approval of the advisory board such special assistance of a technical character beyond the employees hereinafter specified as they shall allow for the proper conduct of the business of the department.

Hold
office at
pleasure of
governor.

SEC. 3. The state engineer and the appointed members of said advisory board shall hold office at the will and pleasure of the governor. Immediately after qualifying, the advisory board shall meet and organize and shall adopt a seal for the authentication of its acts and records.

Bond of
engineer.

SEC. 4. Within twenty days after receiving notice of appointment the person appointed as state engineer shall file a bond in the sum of twenty thousand dollars (\$20,000) with at least two sufficient sureties thereon, or with a surety company of recognized standing for the faithful performance of his duties, which bond must be approved by the governor and filed with the secretary of state, and he shall qualify by taking the oath of office as prescribed for other state officers.

Office of de-
partment.

SEC. 5. The office of the department of engineering shall be in the state capitol; and the secretary of state shall assign to the department, for its use, such rooms as may be necessary for its accommodation. All of the regular meetings of the advisory board shall be held at such office. The said board may, however, hold such special meetings at such places as the duties of the department or the best interests of the state may require. The state board of harbor commissioners for the port of San Francisco shall assign proper rooms in the Ferry Building at San Francisco for the use of one assistant state engineer and his necessary office help. [*Secs. 4 and 5, Statutes 1907, p. 217.*]

Assistants
to state
engineer.

SEC. 6. The department of engineering by and through the state engineer shall have the power to appoint two assistant engineers, one state architect, one architectural designer, three architectural draughtsmen, two engineers draughtsmen, one

testing engineer, one mechanical engineer, two filing clerks, one blue-print pressman, a secretary, two clerks and stenographers and one porter and messenger, and such additional technical assistance and help as the advisory board may in their judgment deem necessary, and to fix their salaries and compensation, who shall hold office at the pleasure of the appointive power, and who must be confirmed by the advisory board before proceeding with their duties. Such officers and employees shall not be eligible for appointment unless they possess special qualifications for and are competent to perform the duties devolving upon them, and they shall devote their entire time to the service of the department. [*Statutes 1909, p. 560.*]

Salaries.

Eligibility.

SEC. 6a. The department of engineering by and through the chairman of said advisory board shall have the power to appoint one engineer who shall be particularly skilled and qualified by experience in highway construction and who shall be designated highway engineer, and such assistant engineers, designers, draughtsmen, clerks, stenographers, and such other technical assistants and help as the advisory board may, in its judgment, deem necessary and said advisory board shall fix their salaries and compensation and prescribe their duties.

Highway engineer.

SEC. 7. The advisory board shall meet at such times as the work of the department may require and shall meet at least once in two months. Said board shall advise with the state engineer, highway engineer or state architect as necessity requires and may advise with the boards of managers or trustees of the various state institutions requiring engineering or structural work, and with any state commission regarding all works wherein such commission may be interested. The advisory board shall approve all plans and specifications for all public work and shall determine the kind, quality and extent of all public work of the state. All boards of managers, trustees and state commissions of state institutions shall apply to the department of engineering for plans and specifications for all public work coming under their charge, and before accepting any such work done under contract shall have a certificate from the state engineer who shall examine and certify to its completion. All public work coming under the full control of the department of engineering may upon the discretion of the advisory board be either contracted for or done by day's labor. The advisory board shall have the power, on the approval of plans and specifications by the state engineer, to

Meetings, powers, etc., of advisory board.

Plans for
public works.

direct whether any building or structure at any state institution shall be let by contract in part or in whole, or whether said building or structure shall be built by day's labor in part or in whole, but after approval of the plans, specifications and estimates by the advisory board of the department of engineering, if, in the opinion of such department of engineering, the acceptance of any bid or bids shall not be for the best interests of the state, or if in the opinion of such department of engineering the acceptance of any further bids after the rejection of all bids submitted shall not be for the best interests of the state, it may be legal for them to direct that the work or improvement of any state building, road or any other improvement be done upon a day's labor basis. Whenever any public work to be done by the state except work on property of the state on the water front of the city and county of San Francisco under the jurisdiction of the board of state harbor commissioners is placed upon a day's labor basis, it is especially exempted from any law on or relating to contracts of the state. The full control of such day's labor work is placed under the department of engineering and said department shall do all things necessary to properly carry out the work. When such work is so placed upon a day's labor basis, any appropriation which is now available or which is now or may be appropriated to become available, is by this act taken out of the control of any board of trustees, directors, commissioners, officers or other body to whom it has been appropriated, and placed exclusively under the control of the department of engineering, and the claims for said work shall be approved by the department of engineering, and audited by the board of examiners, upon whose audit the controller shall draw his warrant and the treasurer shall pay the same. The department of engineering shall have power to receive informal bids upon any subdivision of the day's labor work and the state engineer may upon the approval of the advisory board enter into an agreement for any such subdivisional work of the day's labor work.

Supersedes
board of
public
works.

SEC. 8. The full control of all public work being done or now completed by the board of public works shall be assumed by the department of engineering, and all public work done by the state, except as otherwise provided for by law, shall be under the full control of the said department. It shall be the duty of the department of engineering whenever required by the advisory board to make examinations of lands subject to inundation and overflow by flood waters and of the waters

causing such inundation or overflow, and plans and estimates of the cost for works to regulate and control such flood waters. All matters of drainage, and improving and rectifying river channels and other work on any river or slough flowing into San Francisco bay, San Pablo bay and Suisun bay, and also the tide waters flowing into said bays, shall be placed under the management and control of the department of engineering whenever the law provides therefor. The department of engineering shall have charge of all expenditures, unless otherwise provided by law, for all public works relating to general river and harbor improvements, including reclamation and drainage of lands. It may purchase, construct and operate one or more dredges or any other needed appliances to promote or properly carry out the work of the department. The state engineer in the name of the State of California may obtain or condemn any right of way necessary for any construction herein named, and shall proceed, if necessary, to condemn, under the terms of the Code of Civil Procedure relating to such proceedings. The department shall have the power to employ such additional help for the performance of the work of this section as the advisory board shall order, and all money now appropriated to the board of public works and remaining unexpended shall be used for the purposes intended by the law by the department of engineering, and the state controller shall transfer said funds to the credit of the department of engineering. Whenever, under any statutes of this state any duty or obligation, the performance of which is imposed upon the commissioner of public works or the auditing board to the commissioner of public works, the same shall be assumed and the performance of the same shall devolve upon the department of engineering. [*Statutes 1907, p. 218.*]

River and
harbor im-
provements.

SEC. 9. The department of engineering shall take full possession and control of all roads which have been declared state highways enumerated as follows: The Lake Tahoe wagon road, the Sonora and Mono road, the Mono Lake basin road and all other state highways which may hereafter be constructed and all public work being done or now completed by the department of highways. All expenditures by the state for highway purposes except as otherwise hereafter provided by law shall be under the full charge of the department of engineering, and all moneys appropriated for such purpose shall be made payable upon the proper order of said department and shall be audited by the state board of examiners. The department of engineering, in the name of the people of

Control
of state
highways.

Expendi-
tures.

Power to
condemn
right of
way.

the State of California, shall have the power to obtain or condemn necessary rights of way for any authorized state highway or for the change of any existing state highway or for any road placed under the department's charge by law unless otherwise provided. It shall have power to alter or change the route of a road and shall do all things necessary, and obtain all tools and implements required to properly care for and manage the roads under the charge of the department. The department may, in its discretion, and by and through its chairman, appoint superintendents of the state highways who shall hold office at the pleasure of the appointive power. They shall be specially qualified in road work. All unexpended balances of money now existing by law for improvements or maintenance of whatever kind under the department of highways, and the Lake Tahoe wagon road commissioner shall be placed under the control of the department of engineering, and the state controller shall transfer said funds to the credit of the department of engineering. Whenever under any statutes of this state the performance of any duty or obligation is imposed upon the department of highways, the same shall be assumed by and the performance of the same shall devolve upon the department of engineering.

Superin-
tendents of
state
highways.

Examine
highway
conditions.

SEC. 10. The department of engineering shall make examination into existing highway conditions in the State of California, and shall, furthermore, make such investigations within the state as will put at the service of the state the most approved methods of highway improvement. It shall supply, on request, without charge, any information relative to highways required by any county or district official having care of and authority over highways within this state. It shall collect and collate data relating to the geological formation of the state in so far as it relates to material suitable for highway construction, and make analyses and tests of such material as it may deem suitable for highway uses, with the view of determining the value of the same for such purposes. All data so collected, together with such other matters of value or interest to the people of the state, shall be published in bulletins, or upon maps or diagrams, or in other proper form, or in the biennial report of the department, as it, in its discretion, shall determine. The department shall prepare and adopt styles and forms of books for use by officials, in which to keep account of the expenditure of highway money and all other records or proceedings relating to highways. It shall prepare such forms as may be necessary for use in connection with opening, aban-

Analyze
road
materials.

Forms of
books.

doning, altering, locating, constructing, maintaining, obtaining title to, or otherwise relating to proposed state highways; and such books and forms, when so adopted, shall be the standard for use in the state. Copies of them shall be forwarded to the various officials who are charged with keeping or using the same, and such officials shall immediately prepare books and forms after the style shown by such standard, and shall thereafter use them exclusively for the purposes for which they are intended. It shall be the duty of the department to adopt such general forms for the surveying of state highways, mapping, and keeping of the notes thereof, and the permanent marking of the same on the ground, as it shall deem necessary, and shall issue instructions defining such general forms and markings to the person having charge of the making of such surveys; and it shall thereafter be the duty of such persons to follow the methods prescribed in such instructions. The department of engineering, in performance of its duties, shall have the power to call upon any state, county, or district official to furnish it with any information contained in his office which relates to or is in any way necessary to the proper performance of the work of said department; and it is hereby made the duty of such officials to furnish such information without cost. [*Statutes 1907, p. 219.*]

Forms for
surveying
state
highways.

SEC. 11. All architectural work of the department shall be under the charge of the state architect, and it shall be the duty of said architect to make plans and specifications and estimates for all work for state buildings. He shall, in company with the state engineer, visit and inspect all completed architectural work, and shall certify to the state engineer its proper or improper completion. The state architect shall have general charge under the state engineer of the erection of all buildings and must have an inspector at each building during the whole time of its construction.

State
architect.

SEC. 12. One assistant state engineer shall be assigned to the state board of harbor commissioners at San Francisco, where he shall have an office. He shall prepare such plans and specifications as the board may direct, and if adopted, and the work ordered by the board to be done, must superintend its construction. He must give constant attention to the condition of the seawall and thoroughfare, of the sheds, wharves, piers and landings, of the streets or parts thereof under the jurisdiction of the board, and when repairs are needed must forthwith report to the board in writing their nature and extent, and if ordered by the board must have the same done

One assist-
ant engineer
to be as-
signed to
San Fran-
cisco harbor.

Register
of work.

at once. He must keep himself informed as to the depth of water in the various docks and slips, and report to the board from time to time what dredging is required. He must keep a register properly indexed, showing the date, place and character of every piece of work done and dock dredged, when begun and finished, with proper descriptions and drawings. He shall do all engineering work required by the said board of harbor commissioners. Said assistant engineer shall be subject to the control, at all times, of the state engineer, and a copy of all work under his charge as assistant engineer shall be filed in the office of the department of engineering. A complete record of cost in detail, of all work done under the supervision of this assistant engineer shall be filed with the department of engineering upon the completion thereof. One engineer's draughtsman shall be assigned to the said harbor board by the state engineer, and the advisory board of the department of engineering shall employ such field and other assistants to the foregoing assistant state engineer as may be necessary and such field and other assistants shall be paid from the San Francisco harbor improvement fund.

Draughts-
man to har-
bor board.

Cooperative
work with
United
States
Government.

SEC. 13. All cooperative engineering work now existing or to be engaged in by the state with the United States government shall be placed under the department of engineering. All plans, estimates and specifications shall be approved by the state engineer, and the advisory board shall have full power to determine the kind, quality and extent of such work under cooperation with said government before entering into agreement with said government for such work. All unexpended moneys provided for by law on the aforesaid cooperative basis shall be expressly placed under the full control of the department of engineering, and the state controller shall transfer such funds to the credit of the said department. Hereafter plans, estimates and specifications for such work shall be filed in the office of the said department.

Transfer of
funds.

State engi-
neer to
advise with
California
débris com-
mission.

SEC. 14. It shall be the duty of the state engineer to consult and advise with the members of the corps of engineers of the United States Army comprising the California Débris Commission (created by act of congress approved March first, eighteen hundred and ninety-three), in relation to the construction of works for the restraining and impounding of débris resulting from mining operations, natural erosion, or other causes; and it shall be his duty to examine such works and to report the result of such examination to the advisory

board. Said state engineer is further authorized and directed to consult and advise with said "California Débris Commission" in relation to any and all plans and specifications that may have been or may hereafter be prepared or adopted by said "California Débris Commission," for the construction of such restraining or impounding works, and said state engineer shall file a copy of all such plans and specifications in the office of the department. Whenever the advisory board approves said plans and specifications the state engineer shall notify the "California Débris Commission." Whenever said "California Débris Commission" or the government of the United States shall have entered into any contract for the construction of works for the purposes described in this act, in pursuance of plans and specifications that have been theretofore approved by the advisory board as in this act provided, it shall then be the duty of the state engineer to cause such work to be carefully inspected during the progress of their construction and to keep a record of the result of such inspection. Said state engineer shall also, from time to time, during the progress of the construction of such works, when requested so to do by the said "California Débris Commission," present his claims to the state board of examiners in favor of such person or persons as may be designated by said "California Débris Commission," for such amounts as shall equal one half of the cost of the construction of said works; and said state engineer shall in like manner, and when requested so to do by said "California Débris Commission," present his claims to the state board of examiners for an amount equal one half the purchase price of any site or sites necessary for the construction of said works; *provided*, that the purchase of said site or sites shall have been first approved by the advisory board. All unexpended balances of money provided by law for the work under the débris commissioner shall be placed to the credit of the department of engineering by the state controller. Whenever under any statutes of the state any duty or obligation, the performance of which is imposed upon the débris commissioner, the same shall be assumed and the performance of the same shall devolve upon the department of engineering. [*Secs. 11, 12, 13 and 14, Statutes 1907, p. 221.*]

Inspection
of work.

Payment of
claims for
construction
work.

SEC. 15. When in his judgment it is deemed necessary, the state engineer, subject to the approval of the advisory board, shall employ such assistance on the public work of the state or on public work at any state institution as may be necessary for the proper discharge of his duties, and shall under like restric-

Assistance
on public
work, em-
ployment of.

tions, have the authority to purchase any supplies, instruments, tools and conveniences as may be necessary for the proper discharge of the duties of the department of engineering. All employees of the department of engineering, when employed upon public work at or for any state institution in this state shall be paid, unless otherwise provided, from the revolving fund hereinafter created, and the amount of such payment shall be a charge against the institution for which such work is performed, and when collected from said institution by the department of engineering, shall be paid into said revolving fund. In all other cases such employees shall be paid by the department of engineering. All inspectors employed by the state engineer on any public work shall render to the state engineer a full, true and correct report of the kind, manner and progress of all work upon which he is such inspector. Any inspector who shall render a false report knowing the same to be false shall be guilty of a felony. It shall be the duty of the state engineer to keep a full, true and correct detailed account of the cost of all work done under the control of the department of engineering, and with the consent of the advisory board, may employ a clerk for the proper compiling thereof. Such accounts shall be always open to the inspection of the public. [*Statutes 1909, p. 561.*]

How paid.

Reports of
inspectors.Biennial
report of
state
engineer.Duty of
state
printer.

SEC. 16. The state engineer shall prepare biennial reports which shall be submitted to the governor at least thirty days before each session of the legislature. Said report shall embrace the work and investigations of the department under his charge for the previous two years, together with such recommendations for changes in the laws affecting the department as he may deem advisable, and shall suggest and recommend changes relating to the road systems or administration within the state. It shall be the duty of the state printer to print all reports, bulletins or other matter, and furnish any other necessary illustrations or diagram therefor as the department may deem necessary, all of which shall, however, be subject to the approval of the state board of examiners. [*Statutes 1907, p. 222.*]

Salaries.

SEC. 17. The highway engineer shall receive not to exceed the sum of ten thousand dollars (\$10,000) per annum; the state engineer shall receive the sum of five thousand dollars (\$5,000) per annum; and the officers and employees enumerated in section 6 of this act shall receive the following sums: Each assistant state engineer shall receive the sum of three thousand dollars (\$3,000) per annum; the state architect shall

receive forty-eight hundred dollars (\$4,800) per annum; each of the five draughtsmen shall receive two thousand dollars (\$2,000) per annum; the architectural designer shall receive twenty-four hundred dollars (\$2,400) per annum; the mechanical engineer shall receive twenty-seven hundred dollars (\$2,700) per annum; the testing engineer shall receive twenty-one hundred dollars (\$2,100) per annum; each of the two filing clerks shall receive eighteen hundred dollars (\$1,800) per annum; the secretary shall receive twenty-four hundred dollars (\$2,400) per annum; the blue print pressman shall receive fifteen hundred dollars (\$1,500) per annum; each clerk and stenographer shall receive fifteen hundred dollars (\$1,500) per annum; and the porter and messenger shall receive nine hundred dollars (\$900) per annum. Such salaries shall be paid at the same time and in the same manner as are the salaries of other state officers. The highway engineer shall furnish the state with a bond in the sum of twenty thousand dollars (\$20,000); the two assistant engineers and the state architect shall each furnish the state with a bond in the sum of ten thousand dollars (\$10,000) for the faithful performance of their duties. Said bonds must be approved by the governor of the State of California and filed in the office of the secretary of state. Each of the three appointed members of said advisory board shall receive the sum of three thousand six hundred dollars (\$3,600) per annum, payable in equal monthly installments. Each and every one of the above mentioned officers shall take the oath of office as prescribed for other state officers. The members of the advisory board, the state engineer and the officers and employees of the department of engineering shall be allowed their necessary traveling expenses while engaged in the discharge of their duties within the state.

Bonds.

Salaries of
advisory
board.Oath of
office.

Expenses.

SEC. 18. The state board of examiners shall audit all bills or claims incurred by the department of engineering, and the state engineer shall present claims to said board for all expenditures directly under his charge. The attorney general of the state shall be the legal adviser of the department of engineering, and the said department shall call upon the attorney general of the state for all such legal advice and services as the discharge of its duties may require. [*Statutes 1907, page 223.*]

Auditing
of bills.Attorney
general
is legal
adviser.

SEC. 19. The sum of ten thousand dollars (\$10,000) is hereby appropriated out of any money in the state treasury not otherwise appropriated to provide and maintain a perma-

Revolving
fund.

ment revolving fund for the payment of salaries and wages of employees in the department of engineering when employed upon public work at or for any state institution, other than those employees whose salaries are fixed and determined by section 17 of this act. Such payment so made for salaries and wages shall be charged against the institutions for which said act is performed and in favor of the department of engineering, and when collected by said department, shall be paid into the revolving fund hereby created.

Certain commissions to transfer all their property.

SEC. 20. It shall be the duty of the auditing board to the commissioner of public works, the commissioner of public works, the state highway commissioner, the debris commissioner and the Lake Tahoe wagon road commissioner to transfer to the state controller all of the property, books, reports and papers and maps of every description which is state property, and the said controller shall transfer all of said things and property to the department of engineering.

Repeal of act creating commissioner of public works.

SEC. 21. An act entitled "An act creating a commissioner of public works, defining his duties and powers and fixing his compensation," approved February ninth, nineteen hundred, and all acts or parts of acts amendatory thereof are hereby expressly repealed.

Repeal of act creating department of highways.

SEC. 22. An act entitled "An act to create a department of highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employees thereof, and to provide for the compensation of said officers and employees, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year," approved April first, eighteen hundred and ninety-seven, is hereby expressly repealed.

Repeal of act creating auditing board.

SEC. 23. An act entitled "An act providing for the appointment of an auditing board to the commissioner of public works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this act," approved March seventeenth, eighteen hundred and ninety-seven, and all acts or parts of acts amendatory thereof are hereby expressly repealed.

SEC. 24. An act entitled "An act to provide for the appointment, duties and compensation of a débris commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner," approved March twenty-fourth, eighteen hundred and ninety-three, and all acts or parts of acts amendatory thereof are hereby expressly repealed.

Repeal of act creating debris commissioner.

SEC. 25. An act entitled "An act to create the office of Lake Tahoe wagon road commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this act," approved April first, eighteen hundred and ninety-seven, and all acts or parts of acts amendatory thereof are hereby expressly repealed.

Repeal of act creating Lake Tahoe wagon road commissioner.

SEC. 26. All acts or parts of acts in conflict with the provisions of this act are hereby repealed. [Secs. 20, 21, 22, 23, 24, 25, 26, *Statutes 1907*, p. 224.]

AN ACT

To provide for the reconstruction and repair by the board of state harbor commissioners, of wharves, piers, docks, bulkheads, sheds, streets and seawall, the property of the State of California situated on the water front of the city and county of San Francisco, and making an appropriation therefor.

[Approved March 13, 1907; Stats. 1907, p. 245.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The board of state harbor commissioners are hereby authorized and empowered in the manner and method prescribed by law to reconstruct and repair wharves, piers, docks, bulkheads, sheds, streets and seawall, the property of the State of California situated on the water front of the city and county of San Francisco.

Repair of wharves San Francisco water front.

SEC. 2. There is hereby appropriated for said purposes out of any moneys in the state treasury not otherwise appropriated, the sum of two hundred and fifty thousand (\$250,000) dollars, and the state controller and the state treasurer are hereby directed to transfer said sum from the general fund to the San Francisco harbor improvement fund.

Appropriation.

Transfer
of funds.

SEC. 3. The state controller and the state treasurer are hereby directed on the thirtieth day of June, nineteen hundred and eight, and annually thereafter for four years, to transfer from the San Francisco harbor improvement fund to the general fund the sum of fifty thousand (\$50,000) dollars, together with interest at the rate of four per cent per annum on said sum of two hundred and fifty thousand (\$250,000) dollars, or such portion thereof as shall remain untransferred to the general fund from the San Francisco harbor improvement fund, as provided herein.

SEC. 4. This act shall take effect and be in force from and after June 30, 1907.

AN ACT

To provide for the issuance and sale of state bonds to create a fund for the construction by the board of state harbor commissioners of wharves, piers, seawall, state railroad, spurs and appurtenances in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and providing for the submission of this act to a vote of the people.

[Approved March 21, 1907; Stats. 1907, p. 772.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Bonds for
harbor im-
provements.

SECTION 1. For the purpose of providing a fund for the payment of the indebtedness hereby authorized to be incurred by the board of state harbor commissioners for the erection of wharves, piers, seawall, state railroad, spurs and appurtenances in the city and county of San Francisco, at a cost not to exceed two million dollars (which said wharves, piers, seawall, state railroad, spurs and appurtenances the board of state harbor commissioners are hereby empowered to construct in the manner authorized by law, and at a cost not to exceed said two million dollars), the state treasurer shall, immediately after the issuance of the proclamation of the governor, provided for in section ten hereof, prepare two thousand suitable bonds of the State of California, in the denomination of one thousand dollars each. The whole issue of said bonds shall not exceed the sum of two million dollars, and said bonds shall bear interest at the rate of four per centum per annum, from the time of the sale thereof, and both principal and interest shall

State
treasurer
to prepare
bonds.

Amount
of issue.

Interest
rate.

be payable in gold coin of the present standard value, and they shall be payable at the office of the state treasurer, at the expiration of nineteen years from their date, subject, however, to redemption by lot as in this act hereinafter provided. Said bonds shall bear date the second day of January, A. D. nineteen hundred and nine, and shall be made payable on the second day of January, nineteen hundred and twenty-eight A. D. The interest accruing on such of said bonds as are sold shall be due and payable at the office of the state treasurer on the second day of January, and on the second day of July, of each year after the sale of the same; *provided*, that the first payment of interest shall be made on the second day of January, A. D. nineteen hundred and ten, on so many of said bonds as may have been theretofore sold. At the expiration of nineteen years from the date of said bonds, all bonds sold shall cease to bear interest, and likewise all bonds redeemed by lot shall cease to bear interest as in this act provided, and the said state treasurer shall call in, forthwith pay and cancel the same out of the moneys in the second San Francisco seawall sinking fund provided for in this act, and he shall on the first Monday of January, nineteen hundred and twenty-eight, also cancel and destroy all bonds not theretofore sold. All bonds issued shall be signed by the governor and countersigned by the controller, and shall be endorsed by the state treasurer, and each shall have the seal of the state stamped thereon. Each bond shall contain a clause that it is subject to redemption by lot after the year nineteen hundred and eighteen.

When
bonds
payable.

When
interest
shall
cease.

Redemption
clause.

SEC. 2. Interest coupons shall be attached to each of said bonds, so that such coupons may be removed without injury to or mutilation of the bond. Said coupons shall be consecutively numbered, and shall be signed by the state treasurer. But no interest on any of said bonds shall be paid for any time which may intervene between the date of any of said bonds and the issue and sale thereof to a purchaser.

Interest
coupons.

SEC. 3. The sum of one thousand dollars is hereby appropriated to pay the expense that may be incurred by the state treasurer in having said bonds prepared. Said amount shall be paid out of the San Francisco harbor improvement fund on controller's warrants, duly drawn for that purpose.

Appropriation for
preparation
of bonds.

SEC. 4. When the bonds authorized to be issued under this act shall be duly executed, they shall be by the state treasurer sold at public auction to the highest bidder for cash, in such parcels and numbers as said treasurer shall be directed by the governor of the state, under seal thereof, after a resolution

Shall be
sold at
public
auction.

requesting such sale shall have been adopted by the board of state harbor commissioners; but said treasurer must reject any and all bids for said bonds, or for any of them, which shall be below the par value of said bonds so offered; and he may, by public announcement at the place and time fixed for the sale, continue such sale, as to the whole of the bonds offered, or any part thereof offered, to such time and place as he may select.

Publication
of notice
of sale.

Due notice of the time and place of sale of all bonds must be given by said treasurer by publication in two newspapers published in the city and county of San Francisco, and also by publication in one newspaper published in the city of Oakland, and by publication in one newspaper published in the city of Los Angeles, and by publication in one newspaper published in the city of Sacramento, once a week during four weeks prior to such sale. The costs of such publication shall be paid out of the San Francisco harbor improvement fund, on controller's warrants duly drawn for that purpose. The proceeds of the sale of such bonds shall be forthwith paid over by said treasurer into the treasury, and must be by him kept in a separate fund to be known and designated as the "Second San Francisco Seawall Fund," and must be used exclusively for the construction of wharves, piers, seawall, state railroad, spurs and appurtenances thereto on the water front of the city and county of San Francisco. Drafts and warrants upon said fund shall be drawn upon and shall be paid out of said fund in the same manner as drafts and warrants are drawn upon and paid out of the San Francisco harbor improvement fund.

"Second
San Fran-
cisco Sea-
wall Fund"
created.

Sinking
fund.

SEC. 5. For the payment of the principal and interest of said bonds a sinking fund, to be known and designated as the "Second San Francisco Seawall Sinking Fund," shall be, and the same is hereby created, as follows, to wit: The state treasurer shall, on the first day of each and every month after the sale of said bonds, take from the San Francisco harbor improvement fund said sum as, multiplied by the time the bonds then sold and outstanding have to run, will equal the principal of the bonds sold and outstanding at the time said treasurer shall so take said sum from said San Francisco harbor improvement fund, less the amount theretofore taken therefrom for said purpose; and he shall place the sum in the second San Francisco seawall sinking fund created by this act. Said state treasurer shall, on controller's warrants duly drawn for that purpose, employ the moneys in said sinking fund in the purchase of bonds of the United States, or of the State of California, or

Employment
of money in
sinking
fund.

of the several counties or municipalities of the State of California, which said bonds shall be kept in a proper receptacle, appropriately labeled; but he must keep always on hand a sufficient amount of money in said sinking fund with which to pay the interest on such of the state bonds herein provided to be issued as may have theretofore been sold. And to provide means for the payment of interest on the bonds that may be sold and outstanding, said treasurer shall monthly take from the San Francisco harbor improvement fund, and pay into said seawall sinking fund, an amount equal to the monthly interest then due on all bonds then sold, delivered and outstanding. The board of state harbor commissioners are hereby authorized and directed by the collection of dockage, tolls, rents, wharfage and cranage to collect a sum of money sufficient for the purposes of this act, over and above the amount limited by section two thousand five hundred and twenty-six of the Political Code of the State of California. Between the first and tenth day of November, in the year nineteen hundred and eighteen, and between the first and tenth day of November of each year thereafter until the maturity of said bonds, the said treasurer shall, in the presence of the governor, proceed to draw by lot such an amount of bonds as shall be requisite to exhaust as nearly as may be the amount in said sinking fund at that time, and shall thereupon and before the tenth day of December following, give notice by public advertisement to be inserted twice a week for two weeks in two newspapers published in the city and county of San Francisco, and also in one newspaper published in the city of Oakland, and also in one newspaper published in the city of Los Angeles, and also in one newspaper published in the city of Sacramento, stating the number of bonds so drawn and that the principal of said bonds will be paid on presentation to the treasurer on or before the second day of January, following, and that from and after such last-named date, all interest upon bonds thus drawn shall cease, and it shall be the duty of the treasurer, as soon as said bonds so drawn by lot are surrendered to him and paid, to cancel the same and the interest coupons thereon, and each year beginning with the year nineteen hundred and eighteen, the said treasurer shall, in the manner aforesaid, proceed to draw by lot such an amount of bonds as shall be requisite to exhaust as nearly as may be the amount in said sinking fund, and proceed in the manner herein above stated. After the payment of all said bonds, the surplus or balance remaining in said sinking fund, if any there be, shall forthwith be paid into the

Provision
for pay-
ment of
interest.

Drawings
of bonds by
lot for re-
demption.

Surplus
in sinking
fund, dis-
position of.

San Francisco harbor improvement fund. At the time of the respective drawings by lot, as aforesaid, and also at the maturity of said state bonds, said treasurer shall sell the United States or other bonds then in said sinking fund, at governing market rates, after advertising the sale thereof in the manner hereinbefore provided for the sale of bonds hereby authorized to be issued, and shall use the proceeds for the payment of such bonds as may be drawn by lot, and at the maturity of said bonds outstanding shall pay and redeem said matured outstanding bonds out of said moneys in said fund in extinguishment of said bonds on controller's warrants duly drawn for that purpose.

Controller
and treasurer
to
report to
governor.

SEC. 6. The state controller and the state treasurer shall keep full and particular account and record of all their proceedings under this act, and they shall transmit to the governor an abstract of all such proceedings thereunder, with an annual report, to be by the governor laid before the legislature biennially; and all books and papers pertaining to the matter provided for in this act shall at all times be open to the inspection of any party interested, or the governor, or the attorney general, or a committee of either branch of the legislature, or a joint committee of both, or any citizen of the state.

Interest
payments.

SEC. 7. It shall be the duty of the state treasurer to pay the interest on said bonds when the same falls due, out of the sinking fund provided for in this act, on controller's warrants duly drawn for that purpose.

When act
to take
effect.

SEC. 8. This act, if adopted by the people, shall take effect on the thirty-first day of December, A. D. nineteen hundred and eight, as to all its provisions except those relating to and necessary for its submission to the people, and for returning, canvassing, and proclaiming the votes, and as to said excepted provisions this act shall take effect immediately.

Shall be
submitted
to people
for ratifi-
cation.

SEC. 9. This act shall be submitted to the people of the State of California for their ratification at the next general election, to be holden in the month of November, A. D. nineteen hundred and eight, and all ballots at said election shall have printed thereon and at the end thereof the words "For the San Francisco Seawall Act," and in a separate line under the same words, "Against the San Francisco Seawall Act," and opposite said lines there shall be left spaces in which the voters may make or stamp a cross to indicate whether they vote for or against the said act, and those voting for said act shall do so by placing a cross opposite the words, "For the San

Francisco Seawall Act," and all those voting against the said act shall do so by placing a cross opposite the words, "Against the San Francisco Seawall Act." The governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said general election.

SEC. 10. The votes cast for or against this act shall be counted, returned and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers; and if it appear that said act shall have received a majority of all the votes cast for and against it at said election as aforesaid, then the same shall have effect as hereinbefore provided, and shall be irrevocable until the principal and interest of the liabilities herein created shall be paid and discharged, and the governor shall make proclamation thereof; but if a majority of the votes cast as aforesaid are against this act then the same shall be and become void.

Return and
canvass
of vote.

SEC. 11. It shall be the duty of the secretary of state to have this act published in at least one newspaper in each county, or city and county, if one be published therein, throughout this state, for three months next preceding the general election to be holden in the month of November, A. D. nineteen hundred and eight, the costs of publication shall be paid out of the San Francisco harbor improvement fund, on controller's warrants duly drawn for that purpose.

Act to be
published
in each
county of
state.

SEC. 12. This act may be known and cited as the "Second San Francisco Seawall Act."

Name of act.

SEC. 13. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

AN ACT

To authorize certain cities and cities and counties to levy and collect taxes for the purpose of providing a fund for the improvement, repair and maintenance of their harbors, and for the construction of wharves and piers, seawall, state or municipal railroad and spurs there along, betterments, appurtenances, dredging and filling necessary in connection therewith, and to authorize such cities and cities and counties to issue and sell their bonds to create a fund for such repair, maintenance, improvement or construction, or any part

thereof, or for the redemption, retirement and cancellation of any state bonds now or hereafter issued and sold to create a fund for any such purposes.

[Approved May 1, 1911; Stats. 1911, p. 1462.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Any city or city and county whose corporate limits include or front upon any harbor, bay or estuary, or other navigable water, whether the tide lands or water front thereof is owned or controlled by it or by the state, either in whole or in part, is hereby authorized to incur an indebtedness for the improvement, repair and maintenance of its harbor, and for the erection of wharves, piers, seawall, state or municipal railroad and spurs there along, betterments, appurtenances and dredging and filling necessary in connection therewith, and for each, any or all of said purposes, and such city or city and county for the purpose of providing a fund or funds for the payment of such indebtedness, is hereby authorized to levy and collect taxes therefor or to issue and sell its bonds therefor, or to levy and collect taxes and to issue and sell its bonds therefor, whether the fund so provided is now or hereafter by law or by the charter of such city or city and county, under the management and control of a state board of harbor commissioners or under the management and control of such city or city and county, or any officer, board or department thereof, and such city or city and county is also authorized to issue and sell its bonds for the purpose of providing a fund for the redemption, cancellation and retirement of any state bonds now or hereafter issued and sold for the purpose of providing a fund for any improvement or construction in its harbor as aforesaid.

Cities may incur indebtedness to improve harbor.

Law applicable.

SEC. 2. All provisions of law or of the charter of such city or city and county relative to the issuance and sale of the other municipal bonds of such city or city and county, and to the mode and manner of calling, holding and canvassing an election authorizing the same, shall with equal force apply to the issue and sale of the bonds hereby authorized and to the mode and manner of calling, holding and canvassing any election with reference thereto.

SEC. 3. Where by law or by the charter of such city or city and county the management and control and improvement of its harbor or tide lands is vested in whole or in part in a state

City may turn over funds to harbor commissioners.

board of harbor commissioners, such city or city and county is authorized to turn over to such state board of harbor commissioners any fund or funds which it may provide as aforesaid, to be by said state board of harbor commissioners used, managed and controlled for such work of improvement, repair, maintenance and construction aforesaid as said city or city and county may lawfully designate.

SEC. 4. Whenever any city or city and county provides any fund under authority of this act for the redemption, cancellation or retirement of any state bonds hereinabove mentioned, such city or city and county through its appropriate officer or officers may transfer the money in such fund to the state treasurer who must upon its receipt place the same in the appropriate sinking fund and apply the same to the redemption, cancellation and retirement of said state bonds.

Fund for
redemption
of bonds

SEC. 5. This act shall take effect immediately.

AN ACT

To provide for the issuance and sale of state bonds to create a fund for the improvement of San Francisco harbor by the construction by the board of state harbor commissioners of wharves, piers, state railroad, spurs, betterments, and appurtenances and necessary dredging and filling in connection therewith in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; to define the duties of state officers in relation thereto; to make an appropriation of five thousand dollars for the expense of printing said bonds; and to provide for the submission of this act to a vote of the people.

[Approved March 20, 1909; Stats. 1909, p. 522.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. For the purpose of providing a fund for the payment of the indebtedness hereby authorized to be incurred by the board of state harbor commissioners for the erection of wharves, piers, seawall, state railroad, spurs, betterments and appurtenances and necessary dredging and filling in connection therewith in the city and county of San Francisco, at a cost not to exceed nine million dollars (which said wharves, piers, seawall, state railroad, spurs, betterments and appur-

Harbor
improve-
ments,
bonds for.

State treasurer to prepare.

Amount of issue.

When payable.

Interest payable, when.

Interest ceases, when.

tenances and necessary dredging and filling in connection therewith the board of state harbor commissioners are hereby empowered to construct and do in the manner, authorized by law, and at a cost not to exceed said nine million dollars), the state treasurer shall, immediately after the issuance of the proclamation of the governor, provided for in section 10 hereof, prepare nine thousand suitable bonds of the State of California, in the denomination of one thousand dollars each. The whole issue of said bonds shall not exceed the sum of nine million dollars, and said bonds shall bear interest at the rate of four per centum per annum, from the date of issuance thereof, and both principal and interest shall be payable in gold coin of the present standard value, and they shall be payable at the office of the state treasurer, at the expiration of seventy-four years from their date, subject, however, to redemption by lot as in this act hereinafter provided. Said bonds shall bear date the second day of July, A. D. nineteen hundred and eleven, and shall be made payable on the second day of July, nineteen hundred and eighty-five. The interest accruing on such of said bonds as are sold, shall be due and payable at the office of the state treasurer on the second day of January, and on the second day of July, of each year after the sale of the same; *provided*, that the first payment of interest shall be made on the second day of July, nineteen hundred and twelve, on so many of said bonds as may have been theretofore sold. At the expiration of seventy-four years from the date of said bonds, all bonds sold shall cease to bear interest and likewise all bonds redeemed by lot shall cease to bear interest as in this act provided, and the said state treasurer shall call in, forthwith pay and cancel the same, out of the moneys in the second San Francisco seawall sinking fund provided for in this act, and, he shall on the first Monday of July, nineteen hundred and eighty-five, also cancel and destroy all bonds not theretofore sold. All bonds issued shall be signed by the governor, and countersigned by the controller, and shall be endorsed by the state treasurer and the said bonds shall be so signed, countersigned and endorsed by the officers who are in office on the second day of July, 1911, and each of said bonds shall have the seal of the state stamped thereon. The said bonds signed, countersigned and endorsed and sealed as herein provided when sold shall be and constitute a valid and binding obligation upon the State of California, though the sale thereof be made at a date or dates after the person signing, countersigning and endorsing, or any or either of them, shall have ceased

to be the incumbents of such office or offices. Each bond shall contain a clause that it is subject to redemption by lot after the year nineteen hundred and fifty. May be redeemed.

SEC. 2. Interest coupons shall be attached to each of said bonds, so that such coupons may be removed without injury to, or mutilation of the bond. Said coupons shall be consecutively numbered, and shall bear the lithographed signature of the state treasurer who shall be in office on the second day of July, 1911. But no interest on any of said bonds shall be paid for any time which may intervene between the date of any of said bonds and the issue and sale thereof to a purchaser, unless such accrued interest shall have been, by the purchaser of said bond, paid to the state at the time of such sale. Interest coupons.

SEC. 3. The sum of five thousand dollars is hereby appropriated to pay the expense that may be incurred by the state treasurer in having said bonds prepared. Said amount shall be paid out of the San Francisco harbor improvement fund on controller's warrants, duly drawn for that purpose. Appropriation for preparation of bonds.

SEC. 4. When the bonds authorized to be issued under this act shall be duly executed, they shall be by the state treasurer sold at public auction to the highest bidder for cash, in such parcels and numbers as said treasurer shall be directed by the governor of the state, under seal thereof, after a resolution requesting such sale shall have been adopted by the board of state harbor commissioners, and approved by either the governor of the state or mayor of the city and county of San Francisco, who shall only approve the same when in their judgment the actual harbor receipts, and those reasonably anticipated, will justify such sale of bonds and the consequent increased burden on harbor receipts; but said treasurer must reject any and all bids for said bonds, or for any of them, which shall be below the par value of said bonds so offered plus the interest which has accrued thereon between the date of sale and the last preceding interest maturity date; and he may, by public announcement at the place and time fixed for the sale, continue such sale, as to the whole of the bonds offered, or any part thereof offered, to such time and place as he may select. Before offering any of said bonds for sale the said treasurer shall detach therefrom all coupons which have matured or will mature before the date fixed for such sale. Due notice of the time and place of sale of all bonds must be given by said treasurer by publication in two newspapers published in the city and county of San Francisco, and also by publication in one newspaper published in the city of Oakland, and by publi- Shall be sold how. Publication of notice of sale.

cation in one newspaper published in the city of Los Angeles, and by publication in one newspaper published in the city of Sacramento, once a week during four weeks prior to such sale. In addition to the notice last above provided for, the state treasurer may give such further notice as he may deem advisable, but the expenses and cost of such additional notice shall not exceed the sum of five hundred dollars (\$500.00) for each sale so advertised. The cost of such publication shall be paid out of the San Francisco harbor improvement fund, on controller's warrants duly drawn for that purpose. The proceeds of the sale of such bonds except such amount as may have been paid as accrued interest thereon shall be forthwith paid over by said treasurer into the treasury, and must be by him kept in a separate fund to be known and designated as the "Second San Francisco Seawall Fund" and must be used exclusively for the construction of wharves, piers, seawall, state railroad, spurs, betterments and appurtenances and necessary dredging and filling in connection therewith on the water front of the city and county of San Francisco. Drafts and warrants upon said fund shall be drawn upon and shall be paid out of said fund in the same manner as drafts and warrants are drawn upon and paid out of the San Francisco harbor improvement fund. The amount that shall have been paid at the sale of said bonds as accrued interest on the bonds sold shall be, by the state treasurer, immediately after such sale, paid into the treasury of the state and placed in the "Second San Francisco Seawall Sinking Fund."

Disposition
of proceeds
of sale.

Sinking
fund.

SEC. 5. For the payment of the principal and interest of said bonds a sinking fund, to be known and designated as the "Second San Francisco Seawall Sinking Fund" shall be, and the same is hereby created, as follows, to wit: The state treasurer, after the second day of July, nineteen hundred and twenty-nine, shall on the first day of each and every month thereafter, after the sale of said bonds, take from the San Francisco harbor improvement fund such sum as, multiplied by the time in months, the bonds then sold and outstanding have to run, will equal the principal of the bonds sold and outstanding at the time said treasurer shall so take said sum from said San Francisco harbor improvement fund, less the amount theretofore taken therefrom for said purpose; and he shall place the sum in the second San Francisco seawall sinking fund created by this act. Said state treasurer shall, on con-

troller's warrants duly drawn for that purpose, employ the moneys in said sinking fund in the purchase of bonds of the United States, or of the State of California, or of the several counties or municipalities of the State of California, which said bonds shall be kept in a proper receptacle, appropriately labeled; but he must keep always on hand a sufficient amount of money in said sinking fund with which to pay the interest on such of the state bonds herein provided to be issued as may have theretofore been sold. And to provide means for the payment of interest on the bonds that may be sold and outstanding, said treasurer shall monthly take from the San Francisco harbor improvement fund, and pay into said seawall sinking fund, an amount equal to the monthly interest then due on all bonds then sold, delivered and outstanding. The board of state harbor commissioners are hereby authorized and directed by the collection of dockage, tolls, rents, wharfage and cranage to collect a sum of money sufficient for the purposes of this act, over and above the amount limited by section two thousand five hundred and twenty-six of the Political Code of the State of California. Between the first and tenth day of May, in the year nineteen hundred and fifty-one and between the first and tenth day of May of each year thereafter until the maturity of said bonds, the said treasurer shall, in the presence of the governor, proceed to draw by lot such an amount of bonds as shall be requisite to exhaust as nearly as may be the amount in said sinking fund at that time, and shall thereupon and before the tenth day of June following, give notice by public advertisement to be inserted twice a week for two weeks in two newspapers published in the city and county of San Francisco, and also in one newspaper published in the city of Oakland, and also in one newspaper published in the city of Los Angeles, and also in one newspaper published in the city of Sacramento, stating the number of bonds so drawn and that the principal of said bonds will be paid on presentation to the treasurer on or before the second day of July, following, and that from and after such last named date, all interest upon bonds thus drawn shall cease, and it shall be the duty of the treasurer as soon as said bonds so drawn by lot are surrendered to him and paid to cancel the same, and the interest coupons thereon, and each year beginning with the year nineteen hundred and fifty-one, the said treasurer shall, in the manner aforesaid, proceed to draw by lot such an amount of bonds as shall be requisite to exhaust as nearly as may be the amount in said sinking fund,

Employment of moneys in sinking fund.

Provisions for payment of interest.

Drawing of bonds by lot for redemption.

Surplus,
disposi-
tion of.

and proceed in the manner hereinabove stated. After the payment of all said bonds, the surplus or balance remaining in said sinking fund, if any there be, shall forthwith be paid into the San Francisco Harbor improvement fund. At the time of the respective drawings by lot, as aforesaid, and also at the maturity of said state bonds, said treasurer shall sell the United States or other bonds then in said sinking fund, at governing market rates, after advertising the sale thereof in the manner hereinbefore provided for the sale of bonds hereby authorized to be issued, and shall use the proceeds for the payment of such bonds as may be drawn by lot, and at the maturity of said bonds outstanding shall pay and redeem said matured outstanding bonds out of said moneys in said fund in extinguishment of said bonds on controller's warrants duly drawn for that purpose.

Controller
and treas-
urer to
report to
governor.

SEC. 6. The state controller and the state treasurer shall keep full and particular account and record of all their proceedings under this act, and they shall transmit to the governor an abstract of all such proceedings thereunder, with an annual report, to be by the governor laid before the legislature biennially; and all books and papers pertaining to the matter provided for in this act shall at all times be open to the inspection of any party interested, or the governor, or the attorney general, or a committee of either branch of the legislature, or a joint committee of both, or any citizen of the state.

Payment of
interest.

SEC. 7. It shall be the duty of the state treasurer to pay the interest of said bonds, when the same falls due, out of the sinking fund provided for in this act, on controller's warrants duly drawn for that purpose.

When act
to take
effect.

SEC. 8. This act, if adopted by the people, shall take effect on the thirty-first day of December, nineteen hundred and ten, as to all its provisions except those relating to and necessary for its submission to the people, and for returning, canvassing, and proclaiming the votes, and as to said excepted provisions this act shall take effect immediately.

Shall be
submitted
to people
for ratifica-
tion.

SEC. 9. This act shall be submitted to the people of the State of California for their ratification at the next general election, to be holden in the month of November, nineteen hundred and ten, and all ballots at said election shall have printed thereon and at the end thereof, the words, "For the San Francisco Harbor Improvement Act of 1909," and in the same square under said words the following, in brevier type: "This act provides for the improvement of San Francisco harbor and for the payment of all costs thereof out of San Francisco Har-

bor Improvement Fund." In the square immediately below the square containing said words, there shall be printed on said ballot the words: "Against the San Francisco Harbor Improvement Act of 1909," and immediately below said words "Against the San Francisco Harbor Improvement Act of 1909" in brevier type shall be printed "This act provides for the improvement of San Francisco harbor and for the payment of all costs thereof out of the San Francisco Harbor Improvement Fund." Opposite the words "For the San Francisco Harbor Improvement Act of 1909" and "Against the San Francisco Harbor Improvement Act of 1909," there shall be left spaces in which the voters may make or stamp a cross to indicate whether they vote for or against said act, and those voting for said act shall do so by placing a cross opposite the words "For the San Francisco Harbor Improvement Act of 1909," and all those voting against the said act shall do so by placing a cross opposite the words "Against the San Francisco Harbor Improvement Act of 1909." The governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said general election.

SEC. 10. The votes cast for or against this act shall be counted, returned and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers; and if it appear that said act shall have received a majority of all the votes cast for and against it at said election as aforesaid, then the same shall have effect as hereinbefore provided, and shall be irrevocable until the principal and interest of the liabilities herein created shall be paid and discharged, and the governor shall make proclamation thereof; but if a majority of the votes cast as aforesaid are against this act then the same shall be and become void.

Canvass
of votes.

SEC. 11. It shall be the duty of the secretary of state to have this act published in at least one newspaper in each county, or city and county, if one be published therein, throughout this state, for three months next preceding the general election to be holden in the month of November, nineteen hundred and ten, the costs of publication shall be paid out of the San Francisco harbor improvement fund, on controller's warrants duly drawn for that purpose.

Publication
of act by
secretary
of state.

SEC. 12. This act may be known and cited as the "San Francisco Harbor Improvement Act of 1909."

Name
of act.

SEC. 13. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

AN ACT

To provide for the transfer from the general fund of the state treasury to the San Francisco harbor improvement fund of the sum of twenty-two thousand nine hundred and thirty-seven dollars and forty-five cents, to reimburse said San Francisco harbor improvement fund for the costs of publishing the "Second San Francisco Seawall Act," and the "India Basin Act," and directing the state controller and state treasurer to make such transfer.

[Approved April 14, 1909; Stats. 1909, p. 895.]

The people of the State of California, represented in senate and assembly, do enact as follows:

Transfer
of funds.

SECTION 1. The state controller and the state treasurer are hereby directed to transfer from the general fund of the state treasury to the San Francisco harbor improvement fund the sum of twenty-two thousand nine hundred and thirty-seven dollars and forty-five cents (\$22,937.45), which sum was paid by the board of state harbor commissioners on the fourth day of December, 1908, out of the San Francisco harbor improvement fund in payment of the costs of publication of the "Second San Francisco Seawall Act" and the "India Basin Act," prior to the submission of said acts to the people of the State of California for their ratification at the general election held on November 3, 1908.

AN ACT

To provide for the issuance and sale of state bonds to create a fund for the acquisition by the board of state harbor commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of state officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this act to a vote of the people.

[Approved March 24, 1909; Stats. 1909, p. 713.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. For the purpose of providing a fund for the payment of the indebtedness authorized to be incurred by the board of state harbor commissioners for the acquisition of the necessary area for a tidal basin, extending the area of India basin, on the water front of the city and county of San Francisco, as provided in an act entitled: "An act to authorize and direct the board of state harbor commissioners to institute condemnation proceedings against certain property north of India basin, and extending to Islais creek in the city and county of San Francisco, and extending the jurisdiction of said board over the same, and providing for the payment of judgments from the proceeds of bonds issued and sold under the provisions of an act entitled 'An act to provide for the issuance and sale of state bonds to create a fund for the acquisition by the board of state harbor commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of state officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this act to a vote of the people,' " the state treasurer shall, immediately after the issuance of the proclamation of the governor, provided for in section 10 hereof, prepare one thousand suitable bonds of the State of California, in the denomination of one thousand dollars each. The whole issue of said bonds shall not exceed the sum of one million dollars, and said bonds shall bear

Provision
for fund
for extend-
ing area of
India basin.

Bonds.

interest at the rate of four per centum per annum, from the time of the sale thereof, and both principal and interest shall be payable in gold coin of the present standard value, and they shall be payable at the office of the state treasurer, at the expiration of seventy-four years from their date, subject, however, to redemption by lot as in this act hereinafter provided. Said bonds shall bear date the second day of January, A. D. 1911, and shall be made payable on the second day of January, A. D. 1985. The interest accruing on such of said bonds as are sold, shall be due and payable at the office of the state treasurer, on the second day of January, and on the second day of July, of each year after the sale of the same; *provided*, that the first payment of interest shall be made on the second day of January, A. D. 1912, on so many of said bonds as may have been theretofore sold. At the expiration of seventy-four years from the date of said bonds, all bonds sold shall cease to bear interest, and likewise all bonds redeemed by lot shall cease to bear interest, as in this act provided, and the said state treasurer shall call in, forthwith pay and cancel the same, out of moneys in the "India Basin Sinking Fund," provided for in this act, and he shall on the first Monday of January, A. D. 1985, also cancel and destroy all bonds not theretofore sold. All bonds issued shall be signed by the governor, and countersigned by the controller, and shall be endorsed by the state treasurer, and each shall have the seal of the state stamped thereon. Each bond shall contain a clause that it is subject to redemption by lot after the year nineteen hundred and thirty-nine.

When
payable.

Interest
ceases,
when.

Redemption
clause.

Interest
coupons.

SEC. 2. Interest coupons shall be attached to each of said bonds, so that such coupons may be removed without injury to or mutilation of the bond. Said coupons shall be consecutively numbered, and shall be signed by the state treasurer. But no interest on any of said bonds shall be paid for any time which may intervene between the date of any of said bonds, and the issue and sale thereof to a purchaser.

Appropriation for
preparation
of bonds.

SEC. 3. The sum of one thousand dollars is hereby appropriated to pay the expense that may be incurred by the state treasurer in having said bonds prepared. Said amount shall be paid out of the "San Francisco Harbor Improvement Fund," on controller's warrants, duly drawn for that purpose.

Shall be
sold at
public
auction.

SEC. 4. When the bonds authorized to be issued under this act shall be duly executed, they shall be sold by the state treasurer at public auction to the highest bidder for cash, in such

parcels and numbers as said state treasurer shall determine; but said treasurer must reject any and all bids for said bonds, or for any of them, which shall be below the par value of said bonds so offered for sale, and he may by public announcement at the place and time fixed for the sale, for good and sufficient cause, continue such sale as to the whole of the bonds offered or any part thereof offered, to such time and place as he may select, not exceeding, however, sixty days. Due notice of the time and place of sale of all bonds, and of the postponement of sale thereof, must be given by said treasurer by publication in two newspapers published in the city and county of San Francisco, and also by publication in one newspaper published in the city of Oakland, and by publication in one newspaper published in the city of Los Angeles, and by publication in one newspaper published in the city of Sacramento, once a week during four weeks prior to such sale. The costs of such publication shall be paid out of the "San Francisco Harbor Improvement Fund" on controller's warrants, duly drawn for that purpose. The proceeds of the sale of such bonds shall be forthwith paid over by said treasurer into the treasury, and must be by him kept in a separate fund to be known and designated as the "India Basin Fund," and must be used exclusively for the acquisition of the area described in the act referred to in section 1 hereof. Drafts and warrants upon said fund shall be drawn upon and shall be paid out of said fund in the same manner as drafts and warrants are drawn upon and paid out of the "San Francisco Harbor Improvement Fund."

Publication
of notice
of sale.

Disposition
of proceeds
of sale.

SEC. 5. For the payment of the principal and interest of said bonds a sinking fund to be known and designated as the "India Basin Sinking Fund" shall be, and the same is hereby created as follows, to wit: The state treasurer shall, on the first day of each and every month, after the second day of December, A. D. 1928, take from the "San Francisco Harbor Improvement Fund," such sum as, multiplied by the time the bonds then sold and outstanding have to run, will equal the principal of the bonds sold and outstanding at the time said treasurer shall so take said sum from said "San Francisco Harbor Improvement Fund," less the amount theretofore taken therefrom for said purpose; and he shall place the sum in the "India Basin Sinking Fund," created by this act. Said state treasurer shall, on controller's warrants, duly drawn for that purpose, employ the moneys in said sinking fund in the purchase of bonds of the United States, or of the State of California, or of the several counties or municipalities of the State

Sinking
fund.

Employment
of sinking
fund
moneys.

of California, which said bonds shall be kept in a proper receptacle, appropriately labeled; but he must always keep on hand a sufficient amount of money in said sinking fund with which to pay the interest on such of the state bonds herein provided to be issued as may have theretofore been sold; and to provide means for the payment of interest on the bonds that may be sold and outstanding, said treasurer shall monthly take from the "San Francisco Harbor Improvement Fund," and pay into said "India Basin Sinking Fund," an amount equal to the monthly interest then due on all bonds then sold, delivered and outstanding. The board of state harbor commissioners is hereby authorized and directed by the collection of dockage, tolls, rents, wharfage and cranage, to collect a sum of money sufficient for the purposes of this act, over and above the amount limited by section two thousand five hundred and twenty-six of the Political Code of the State of California. Between the first and tenth day of November, in the year nineteen hundred and forty, and between the first and tenth day of November of each year thereafter, until the maturity of said bonds, the said treasurer shall, in the presence of the governor, proceed to draw by lot such an amount of bonds as shall be requisite to exhaust as nearly as may be, the amount in said sinking fund at that time, and shall thereupon and before the tenth day of December following, give notice by public advertisement to be inserted twice a week for two weeks in two newspapers published in the city and county of San Francisco, and also in one newspaper published in the city of Oakland, and also in one newspaper published in the city of Los Angeles, and also in one newspaper published in the city of Sacramento, stating the number of bonds so drawn, and that the principal of said bonds shall be paid on presentation to the treasurer on or before the second day of January, following, and that from and after such last named date, all interest upon bonds thus drawn shall cease, and it shall be the duty of the treasurer as soon as said bonds so drawn by lot are surrendered to him and paid, to cancel the same, and the interest coupons thereon, and each year beginning with the year nineteen hundred and forty, the said treasurer shall, in the manner aforesaid, proceed to draw by lot such an amount of bonds as shall be requisite to exhaust as nearly as may be the amount in said sinking fund, and proceed in the manner hereinabove stated. After the payment of all said bonds, the surplus or balance remaining in said sinking fund, if any there be, shall forthwith be paid into the "San Francisco Harbor Improvement Fund." At the

Collection
of dockage.

Redemption
of bonds
by lot.

Public
notice.

Surplus in
sinking
fund, dis-
position of.

time of the respective drawings by lot, as aforesaid, and also at the maturity of said state bonds, said treasurer shall sell the United States bonds, or other bonds, then in said sinking fund, at governing market rates, after advertising the sale thereof, in the manner hereinbefore provided for the sale of bonds hereby authorized to be issued, and shall use the proceeds for the payment of such bonds as may be drawn by lot, and at the maturity of said bonds outstanding shall pay and redeem said matured outstanding bonds, out of said money in said fund, in extinguishment of said bonds, on controller's warrants, duly drawn for that purpose.

SEC. 6. The state controller and the state treasurer shall keep full and particular account and record of all of their proceedings under this act, and they shall transmit to the governor an abstract of all such proceedings thereunder, with an annual report to be by the governor laid before the legislature biennially; and all books and papers pertaining to the matter provided for in this act shall at all times be open to the inspection of any party interested, or the governor, or the attorney general, or a committee of either branch of the legislature, or a joint committee of both, or any citizen of the state. Reports to governor.

SEC. 7. It shall be the duty of the state treasurer to pay the interest of said bonds when the same falls due, out of the sinking fund provided for in this act, on controller's warrants duly drawn for that purpose. Interest payments.

SEC. 8. This act, if adopted by the people, shall take effect on the thirty-first day of December, A. D. nineteen hundred and ten, as to all its provisions except those relating to and necessary for its submission to the people, and for returning, canvassing and proclaiming the votes, and as to said excepted provisions this act shall take effect immediately. When act to take effect.

SEC. 9. This act shall be submitted to the people of the election to be holden in the month of November, A. D. nineteen State of California, for their ratification at the next general hundred and ten, and all ballots at said election shall have printed thereon the words "For the India Basin Act," and in the same square, under said words, the following in brevier type: "This act provides for the acquisition of a tidal basin in the bay of San Francisco for harbor purposes, and for the payment of all costs thereof, out of the 'San Francisco Harbor Improvement Fund.'" In the square immediately below the square containing said words, there shall be printed on said ballot the words "Against the India Basin Act," and imme- To be submitted to the people.

diately below said words "Against the India Basin Act," in brier type, shall be printed: "This act provides for the acquisition of a tidal basin in the bay of San Francisco, for harbor purposes, and for the payment of all costs thereof, out of the 'San Francisco Harbor Improvement Fund.' " Opposite the words "For the India Basin Act," and "Against the India Basin Act," there shall be left spaces in which the voters may make or stamp a cross to indicate whether they vote for or against said act, and those voting for said act shall do so by placing a cross opposite the words "For the India Basin Act," and those voting against said act shall do so by placing a cross opposite the words "Against the India Basin Act." The governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said general election.

Return and
canvass
of votes.

SEC. 10. The vote cast for or against this act shall be counted, returned and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers; and if it appear that said act shall have received a majority of all the votes cast for and against it at said election, as aforesaid, then the same shall have effect as hereinabove provided, and shall be irrevocable until the principal and interest of the liabilities herein created shall be paid and discharged, and the governor shall make proclamation thereof; but if a majority of the votes cast, as aforesaid, are against this act, then the same shall be and become void.

Secretary
of state to
publish act.

SEC. 11. It shall be the duty of the secretary of state to have this act published in at least one newspaper in each county, or city and county, if one be published therein, throughout this state, for three months next preceding the general election to be holden in the month of November, A. D. nineteen hundred and ten; the costs of publication shall be paid out of the general fund, on controller's warrants, duly drawn for that purpose.

Name
of act.

SEC. 12. This act shall be known and cited as the "India Basin Act."

SEC. 13. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

AN ACT

To authorize and direct the board of state harbor commissioners to institute condemnation proceedings against certain property north of India basin, and extending to Islais creek in the city and county of San Francisco, and extending the jurisdiction of said board over the same, and providing for the payment of judgments from the proceeds of bonds issued and sold under the provisions of an act entitled "An act to provide for the issuance and sale of state bonds to create a fund for the acquisition by the board of state harbor commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of state officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this act to a vote of the people."

[Approved March 24, 1909; Stats. 1909, p. 711.]

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. For the purpose of acquiring additional areas for the construction of docks, wharves, slips and piers, and increasing the harbor facilities on the water front of the city and county of San Francisco, the board of state harbor commissioners is hereby authorized and directed to institute condemnation proceedings in the superior court of the city and county of San Francisco, against all parties in interest, and all parties claiming any right, title or interest in or to all of that certain tract of land in the city and county of San Francisco, State of California, particularly described as follows:

Condemnation proceedings to acquire certain lands.

Commencing at the intersection of the water front line of September 12, 1877, with the southerly line of Islais street, and extending southeasterly along the said water front line to its intersection with the northerly line of India street; thence westerly along said northerly line of India street to its intersection with the southwesterly line of First avenue south; thence northwesterly along said southwesterly line of First avenue south, to its intersection with the easterly line of Kentucky street; thence northerly along said easterly line of Ken-

Description of lands.

tucky street to its intersection with the southerly line of Islais street; thence easterly along said line of Islais street to the point of beginning, and containing all the blocks and parts of blocks and streets, within the above described boundaries.

Jurisdic-
tion of
board.

SEC. 2. The jurisdiction of said board shall be and it is hereby extended so as to include all of the land described in section 1 of this act.

Judgments
shall be
paid from
what
moneys.

SEC. 3. The board of state harbor commissioners shall institute any action or actions and prosecute the same to final judgment, for the condemnation of all portions of the premises described in section 1, of this act, and the purposes herein mentioned are hereby declared to be a public use, in behalf of which the right of eminent domain shall be exercised by the board of state harbor commissioners for and in the name of the people of the State of California, for the estates and rights specified in and in the manner provided in part III, title VII, of the Code of Civil Procedure of the State of California; *provided*, that any judgment under this act, or that certain act entitled, "An act to provide for the issuance and sale of state bonds, to create a fund for the acquisition by the board of state harbor commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of state officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this act to a vote of the people," shall be paid from the proceeds of bonds issued and sold under the provisions of said last mentioned act.

Act to be
submitted
to the
people.

SEC. 4. This act shall take effect from and after the ratification by the people of the State of California, of that certain act entitled "An act to provide for the issuance and sale of state bonds, to create a fund for the acquisition by the board of state harbor commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of state officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this act to a vote of the people."

Board to
prosecute
actions
diligently.

SEC. 5. Said board of state harbor commissioners shall, without delay, after the ratification of said last mentioned act, cause to be made an examination of the title to the land and

every part of the land described in section 1 of this act, and shall commence, and prosecute to final judgment, with diligence and dispatch, any and all necessary actions for the condemnation of all portions of said premises described in section 1 of this act.

SEC. 6. All acts and parts of acts, in conflict with the provisions of this act, are hereby repealed.

AN ACT

To enlarge the powers of the board of state harbor commissioners, and to authorize said board to locate, construct, maintain, operate and extend public dry-docks and appurtenances thereto, in and about such portion of the bay of San Francisco under its jurisdiction, and to fix, regulate, impose and collect tolls or compensation for and upon the use of the same and to regulate the use therefor.

[Approved June 3, 1913; Stats. 1913, p. 372.]

The people of the State of California do enact as follows:

SECTION 1. The board of state harbor commissioners is hereby authorized and empowered (in addition to the powers now granted, or which may hereafter be granted to it by law) to locate, construct, maintain, operate and extend public dry-docks in and about such portion of the bay of San Francisco under the jurisdiction as defined in section two thousand five hundred and twenty-four of the Political Code.

SEC. 2. The said board shall fix, regulate, impose and collect tolls or compensation for and upon the use of such public dry-docks and regulate the use thereof.

SEC. 3. All money collected for tolls as compensation for use of such public dry-docks and all expenditure made in the maintenance and construction thereof shall be subject to the same provision as other moneys collected and expended by the said board.

Dry-docks
in San
Francisco
bay.

Tolls.

Disposition
of moneys
collected.

AN ACT

To enlarge the powers of the board of state harbor commissioners, and to authorize said board to locate, construct, maintain and operate the state railroad and railroad tracks and appurtenances through, over, under and upon state lands, and lands within its jurisdiction or the water front, and city streets, avenues, alleys, lanes, places or property, or lands or property of the United States, or private property, in the city and county of San Francisco, and to obtain licenses, grants, permits or easements or rights of way therefor, and to construct tunnels, bridges, drawbridges and other appurtenances as incident thereto, and to impose tolls or compensation for and upon the use of the same and to regulate the use therefor.

[Approved June 4, 1913; Stats. 1913, p. 382.]

The people of the State of California do enact as follows:

SECTION 1. The board of state harbor commissioners is hereby authorized and empowered (in addition to the powers now granted, or which may hereafter be granted to it by law) to locate, construct, maintain, operate and extend the state railroad, and railroad tracks, through, over, under and upon any state lands, or lands within its jurisdiction, or the water front as defined in section 2524 of the Political Code, or through, over, under and upon any streets, avenues, alleys, lanes, places or property of the city and county of San Francisco, or lands or property of the United States of America, or private property in said city and county of San Francisco, in which and where it may then have a license, permission, easement or right of way therefor, together with all necessary trackage, switches, spurs, turnouts, fills, cuts, tunnels, trestles, bridges, drawbridges, signals and other appliances, appurtenances and incidents necessary to make the same complete and convenient for use.

SEC. 2. The powers conferred by this act shall include:

(1) Power and authority to obtain from Panama-Pacific International Exposition Company, a corporation, an assignment of its rights under an act of congress approved June 28, 1912, entitled, "An act granting a right of way to the Panama-Pacific International Exposition Company, or such successors or assigns as may be approved by the secretary of

Power to
build rail-
roads in
San Fran-
cisco.

Rights
from
Panama-
Pacific
company.

war, across the Fort Mason military reservation in California."

(2) Power and authority to obtain the approval of the secretary of war to such assignment, and to locate a railroad and tunnel upon and across said reservation and to ordain regulations therefor and for the use thereof and to obtain the approval of the secretary of war thereto.

Approval
of secretary
of war.

(3) Power and authority to construct such railroad and tunnel upon and across said reservation as a part of and incident to said state railroad and railroad tracks; *provided*, that said board shall impose such tolls, charges and compensation for passage through said tunnel upon all freight and upon all passenger cars passing therethrough (which tolls shall be exclusive of and in addition to the ordinary compensation for the use of said railroad and railroad tracks) as shall provide within a limited time for the repayment of the cost of the construction of such tunnel. Such tolls and charges shall be in conformity with the requirements and subject to the approval of the secretary of war in that behalf and shall be so charged, imposed and collected until the cost of the construction of such tunnel shall have been repaid.

Tolls and
charges.

(4) Power and authority to obtain from the city and county of San Francisco proper and necessary grants, license or permission to extend, construct, maintain and operate the said state railroad and railroad tracks along, over and upon such public streets, avenues, alleys or property of said city and county of San Francisco as may be necessary for the extension of said state railroad or railroad tracks.

Grants
from San
Francisco.

(5) Power and authority to acquire rights of way and lands necessary for such extension from the owners of private property, either by grant or by condemnation proceedings; and in that behalf the provisions of law relating to the exercise of the right of eminent domain shall apply and insure to the benefit of said board, and to such proceedings.

Acquisition
of rights
of way.

(6) Power and authority to permit the passage over and through, and the use of said railroad and tunnel to any corporation or association, person or persons for passenger street cars for such time and under such rules and regulations and at such compensation as said board may determine.

Use of
road and
tunnel.

(7) Power and authority to obtain license and permission from the United States government to extend, locate, construct, operate and maintain the said railroad and railroad tracks in and through the Presidio reservation in said city

Through
Presidio
reservation.

and county in such location and subject to such regulations as may be prescribed by the United States government.

SEC. 3. The enumeration of powers contained in section 2 of this act shall not be deemed exclusive or to limit the general powers conferred by section 1 hereof.

AN ACT

To provide for a general system, based upon investigation as to merit, efficiency and fitness, for appointment to and holding during good behavior of office and employment under state authority and, in that behalf, to create a state civil service commission, to prescribe its powers and duties, to make the wilful violation of the provisions of this act a misdemeanor, to repeal all acts and parts of acts inconsistent herewith in so far as they may be inconsistent with the provisions of this act, and to make an appropriation therefor.

[Approved June 16, 1913. In effect August 10, 1913.]

The people of the State of California do enact as follows:

SECTION 1. *First*—The term “commission” as used in this act means the “state civil service commission” herein created, and the term “commissioner” as used in this act means one of the three members of that commission, all unless such terms are plainly used with some other meaning.

Second—The terms “position” and “positions” as used in this act include all offices and employments under state authority, whether there be any salary or other compensation or emolument connected therewith, except offices held by elective officers as such and also except the militia and all offices and employments as now or hereafter provided by virtue of or under article VIII of the constitution of the state, and except county and township offices and employments.

Third—The term “appointing power” as used in this act includes all persons whether acting singly or in conjunction with others in any way whatsoever, either by nomination or confirmation or as a board or commission or otherwise, in selecting any one to hold any position as that term is so used in this act.

“Commis-
sion.”

“Posi-
tion.”

“Appoint-
ing
power.”

Fourth—The term “appointment” as used in this act includes all means of selecting and employing any one to hold any position as that term is so used in this act. “Appointment.”

SEC. 2. There is hereby created a commission known as the “state civil service commission” which shall consist of three commissioners but which may continue to act after being fully constituted if there is not more than one vacancy in such commission. The commission shall be first constituted by three commissioners appointed for terms ending July 1, 1914, July 1, 1916, and July 1, 1917, respectively, and the succeeding terms shall each be for a period of four years. The governor shall appoint all commissioners including those who fill unexpired terms. Any commissioner may be removed by concurrent resolution of both houses of the legislature adopted by a two-thirds vote of each house. The commissioners shall each receive a salary of three thousand dollars per annum, which shall be paid at the same time and in the same manner as the salaries of state officers are paid, and the commissioners shall also be paid necessary traveling expenses incurred in the performance of their duties. The total and items of all expenditures and obligations made, authorized and incurred by the commission shall not exceed the sums appropriated therefor by law. Civil service commission created.
Salary.

SEC. 3. The commission shall employ a chief examiner and secretary, which offices may be combined, and such other employees as it may deem necessary or proper to carry out the purposes of this act. Their compensation shall be fixed by the commission, and they may be paid necessary traveling expenses incurred in the discharge of their duties. The duties of the chief examiner, secretary and other employees shall be prescribed by the commission, subject to the provisions of this act. It shall be the duty of the secretary to keep the minutes of the meetings of the commission and perform such other services as may be assigned him by the commission. The commission may select suitable persons to assist in examinations under its direction. The compensation of such assistants shall not exceed five dollars per day, except in the case of special and expert examiners employed in the preparation of questions and rating of candidates; and when the persons so selected are in the official service of the state it shall be deemed a part of their official duty to serve as such assistants without additional compensation. Employees.

Head-
quarters.

SEC. 4. The commission is authorized to secure in the city of Sacramento suitable and convenient rooms and accommodations and cause the same to be furnished, heated and lighted, for carrying on the work of the commission and the commission may order the necessary stationery, postage stamps, and official seal and other articles to be supplied, and the necessary printing to be done for its official use.

SEC. 5. The commission shall:

Classify
and grade
positions.

First—Classify positions to be held under state authority in accordance with the provisions of this act and in accordance with the duties attached to such positions. The commission shall grade all positions within each class with respect to salaries, to the end that like salaries shall be paid for like duties. Such classes and grades may from time to time be amended, added to, consolidated or abolished by the commission, but persons holding positions under the original classification or grade shall not be affected thereby.

Hold
examina-
tions.

Second—Hold examinations to determine the merit, efficiency and fitness of applicants for positions, and prepare properly classified eligible lists from applicants so examined. All questions for examination shall be prepared under the supervision of the commission or chief examiner and delivered to the examining board or to the candidates by one of the commissioners or chief examiner or by an examiner specially designated to perform such service.

Enforce
act.

Third—Enforce the provisions of this act and prescribe and enforce suitable rules and regulations for carrying the same into effect and from time to time amend and repeal the same.

Fourth—Keep minutes of its own proceedings, and records of its examinations and other official actions.

Efficiency
records.

Fifth—Records of individual efficiency of holders of positions in performing their duties shall be established in all offices and places of employment affected by this act. Such records shall be made by the appointing power, unless otherwise directed by the commission, and under and in accordance with such rules and regulations as the commission may prescribe, and copy of such records shall be filed with the commission. The commission shall investigate all such efficiency records and may make its own records, and shall rate upon such records the item of "ascertained merit" in examinations for promotion. The commission shall establish and enforce rules and regulations under which records of

unsatisfactory service may lead to reduction in grade and compensation of the person holding the position concerned, and shall further provide for the manner in which persons falling below the standards of efficiency fixed by its rules and regulations may be removed from their positions by the commission proceeding substantially as provided in this act and with the same effect as in case of removals by the appointing power.

Sixth—Make investigations concerning and report upon all matters touching the enforcement and effect of the provisions of this act and the rules and regulations prescribed thereunder; inspect all state institutions, offices, places of employment and services affected by this act, and ascertain whether this act and all such rules and regulations are obeyed. Such investigation may be made by any commissioner, or chief examiner, or by any other authorized agent of the commission. In the course of such investigation any commissioner, or chief examiner or such other authorized agent of the commission, or the secretary of the commission, shall have power to administer oaths, subpoena and require the attendance in this state of witnesses and the production thereby of books, papers, documents and accounts appertaining to the investigation but not requiring the attendance of witnesses either with or without books, papers, documents or accounts unless residing within the same county or within thirty miles of the place of attendance.

Make investigations.

Seventh—All hearings and investigations before the commission, or any commissioner, or the chief examiner or such other authorized agent of the commission shall be governed by this act and by rules of practice and procedure to be adopted by the commission, and in the conduct thereof neither the commission, nor any commissioner, nor the chief examiner nor such other authorized agent of the commission shall be bound by the technical rules of evidence. No informality in any proceeding or in the manner of taking testimony before the commission or any commissioner, or the chief examiner or such other authorized agent of the commission shall invalidate any order, decision, rule or regulation made, approved or confirmed by the commission. The superior court in and for the county, or city and county, in which any inquiry, investigation, hearing or proceeding may be held by the commission, or any commissioner, or the chief examiner or such other authorized agent of the commission shall have the power to compel the

Rules governing hearings.

Superior court may compel witnesses to attend.

attendance of witnesses, the giving of testimony and the production of books, papers, documents and accounts, as required by any subpœna issued by the commission, or any commissioner, or such other authorized agent of the commission or the secretary. The commission, or the commissioner, or the chief examiner or such other authorized agent of the commission before whom the testimony is to be given or produced, in case of the refusal of any witness to attend or testify or produce any papers required by such subpœna, may report to the superior court in and for the county, or city and county, in which the proceeding is pending, by petition, setting forth that due notice has been given of the time and place of attendance of said witness, or the production of such books, papers, documents or accounts, and that the witness has been summoned in the manner prescribed in this act, and that the witness has failed and refused to attend or produce such books or papers or documents or accounts required by the subpœna, before the commission, or the commissioner, or the chief examiner, or such other authorized agent of the commission, in the matter named in the notice and subpœna, or has refused to answer questions propounded to him in the course of such proceeding, and ask an order of said court, compelling the witness to attend and testify or produce such books or papers or documents or accounts before the commission, or any commissioner, or the chief examiner or such other authorized agent of the commission. The court, upon the petition of the commission, or any commissioner, or the chief examiner or such other authorized agent of the commission, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in such order, the time to be not more than ten days from the date of the order, and then and there show cause why he has not attended and testified or produced said papers before the commission, or such commissioner, or the chief examiner or such other authorized agent of the commission. A copy of said order shall be served upon said witness. If it shall appear to the court that said subpœna was regularly issued by the commission, or any commissioner, or the chief examiner or other authorized agent of the commission or the secretary, the court shall thereupon enter an order that said witness appear before the commission, or such commissioner, or the chief examiner or any other authorized agent of the commission at the time and place fixed in said order, and testify or produce the required books, papers, documents and

Order
directing
witness to
appear.

accounts, and upon failure to obey said order, said witness shall be dealt with as for contempt of court. The remedy provided in this section is cumulative, and shall not be construed to impair or interfere with the power of the commission, or a commissioner, or the chief examiner or any such other authorized agent of the commission to enforce the attendance of witnesses and the production of books, papers, documents and accounts.

The commission, or any commissioner, or the chief examiner Depositions. or such other authorized agent of the commission may, in any investigation or hearing before the commission, or any commissioner, or the chief examiner or such other authorized agent of the commission, cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in the superior courts of this state and to that end may compel the attendance of witnesses and the production of books, papers, documents and accounts.

No person shall be excused from testifying or from producing any book, paper, document or account in any investigation or inquiry by or hearing before the commission, or any commissioner, or the chief examiner or such other authorized agent of the commission, when ordered to do so, upon the ground that the testimony or evidence, book, paper, document or account required of him may tend to incriminate him or subject him to penalty or forfeiture, but no person shall be prosecuted, punished or subjected to any penalty or forfeiture for or on account of any act, transaction, matter or thing concerning which he shall, under oath, have testified or produced documentary evidence; *provided*, that no person so testifying shall be exempt from prosecution or punishment for any perjury committed by him in his testimony. Nothing herein contained shall be construed as in any manner giving to any person immunity of any kind otherwise than is herein expressly provided. Witness not excused from testifying.

Eighth—Make a biennial report to the governor for transmission to the legislature, showing the action of the commission, including all the rules and regulations adopted by it during such period and those that are in force at the time of making such report, information as to exempted positions as required by this act and the effects of this act and of all proceedings under it and any suggestions the commission or any commissioner may deem practical for the more effectual accomplishment of the purposes of this act. Biennial report.

Meetings.

Ninth—Meet at Sacramento as often as the needs of the public service may require, and at such other places as the commission may designate. A majority of the members of the commission shall constitute a quorum.

Duty of state officers to aid in carrying act into effect.

SEC. 6. It shall be the duty of all persons subject to the authority of the state in that behalf (including all state officers and employees and all state institutions of every kind and character) to aid in all proper ways in carrying into effect the provisions of this act and the rules and regulations prescribed from time to time thereunder and especially, at the request of the commission, to allow the commission the reasonable use of public buildings and to heat and light the same for the purposes of making examinations of applicants and investigations as provided by this act. Every one subject to the authority of the state in that behalf shall afford to the commission and its members and employees all reasonable facilities and give inspection of all books, papers, documents and accounts applying or in any way appertaining to any and all offices subject to the authority of the state in that behalf, and shall also produce said books, papers, documents and accounts, and shall attend and testify when required to do so by the commission, or any commissioner, or the chief examiner, or the secretary or any other authorized agent of the commission. The attorney general shall advise and assist the commission, and the district attorneys of the counties shall prosecute violations of this act. The commission may employ special counsel.

Appointments to be under act.

SEC. 7. The appointing power in all cases not excepted or exempted under the provisions of this act, or by virtue of the provisions of the constitution of the state, shall fill positions by appointment, including cases of transfers, reinstatements, promotions and reductions, in strict accordance with the provisions of this act and the rules and regulations prescribed from time to time hereunder, and not otherwise. Except only and to the extent that the appointing power otherwise requests as hereinafter provided, the positions held in the following specified classes are excepted from such method of appointment:

Positions excepted.

First—Appointees of the legislature and one person holding a position having a confidential relation, whether as secretary or clerk or stenographer to each such appointee.

Second—Appointees of the governor and one person holding a position having a confidential relation whether as secretary or clerk or stenographer to each such appointee.

Third—The chief deputy of and also one person holding a position having a confidential relation whether as secretary or clerk or stenographer to an elective officer. Positions excepted.

Fourth—The secretary or executive officer, or both, and also the attorney and one stenographer of any board or commission appointed by the legislature or governor or elected by the electors, and all stenographers in the superior and appellate courts.

Fifth—The assistant and deputies of the attorney general and all special attorneys for boards and officers.

Sixth—The members of the appointing board of and any chief in any legislative reference or counsel bureau and one person holding a confidential relation to each such chief.

Seventh—One warden for each of the state prisons.

Eighth—One superintendent for each of the state reformatories, state hospitals or other state charitable or correctional institutions; also the parole officers for the state prisons, Preston School of Industry and Whittier State School.

Ninth—Persons employed by the University of California and the state normal schools, and the teaching force of the elementary, secondary, trades and technical schools.

Tenth—Persons engaged in work done by co-operation between the state and federal governments.

Eleventh—The state librarian, the chief deputy or assistant state librarian and also one person holding a position having a confidential relation to the state librarian, and appointees under provisions for court, law, teachers, school and county libraries.

Twelfth—The secretary, chief accountant and children's agents of the state board of control.

Thirteenth—The employees of the state railroad commission.

Fourteenth—Superintendents, chiefs, and heads of departments.

All provided that at any time any vacancy in any position in any of the above specified fourteen excepted classes may be filled by the appointing power in the manner provided by this act, in which case the person appointed shall hold, during the tenure of office of said appointing power, such position under the tenure of good behavior and subject to the provisions of this act as if that position had not been so excepted, but upon such appointee ceasing to hold such position that position shall be open as in such excepted class. Upon such appointee ceasing to hold such office by reason of the termina-

Declaring
positions
exempt.

tion of the tenure of office of said appointing power, said appointee shall be restored to place upon the eligible lists in accordance with such rules and regulations as the commission may prescribe in that behalf. Any position subject to the provisions of this act may be declared exempted by resolution passed by concurrence of the three commissioners. Such resolution shall state separately the reasons for each exemption. Not more than one appointment shall be made to or under any position covered by such resolution unless permission to appoint a different number is given therein. Any exception thus made may be terminated at any time by resolution of the commission. Appointments to exempted positions shall be reported immediately to the commission. The names of each exempted position and the names of the incumbent and the reason for each exemption shall be stated in the biennial reports of the commission.

Rules for
classification
of positions.

SEC. 8. Within three months after the commission is constituted, it shall make rules for the classification of positions to be held under state authority to be provided by this act, and, subject to the provisions of this act; such rules shall govern appointments, transfers, reinstatements, promotions, reductions and removals, and examination of applicants, and the commission may amend such rules from time to time. Such rules shall be printed for public distribution.

Method of
making ap-
pointments.

SEC. 9. Subject to the special provisions in this act as to laborers, appointments shall be made to all positions that are not filled by promotion, reinstatement, transfer or reduction, under the provisions of this act and the rules in pursuance thereof, by the appointing power: Said appointing power shall notify the commission of any vacancy to be filled, stating the duties of the position. The commission shall then certify to the appointing power the names and addresses of the three persons standing highest on the eligible list for the class or grade to which the position belongs; but in case there be less than three on such eligible list, the commission shall certify the number thereon; and the appointing power shall fill the position by the appointment of one of the persons certified by the commission therefor. The term of eligibility shall be fixed for each eligible list at not less than one year. Appointments shall be made from the eligible list most nearly appropriate for the position to be filled, and a new list shall be created for a stated position or a group of positions only when there is no appropriate list existing from which

appointment may be made. No person shall be appointed under any title not appropriate to the duties to be performed, and no person shall be assigned to perform the duties of any other position than that which he legally holds, except by consent of the commission. All appointments shall be for a probationary period to be fixed by the commission but not to exceed six months. Unless such appointee shall have been dismissed within such probationary period by the appointing power, for reasons stated in writing and filed with the commission, his appointment shall become permanent, subject to the provisions of this act as to removals, suspensions and changes. Discharged probationers may by unanimous vote of the commission be restored to the list of eligibles for certification to any position within their class other than the one from which they were rejected.

Appoint-
ments for
probationary
period.

SEC. 10. The examinations shall be practical in their character, and shall relate to those matters which will fairly test the relative capacity and fitness of the persons examined to discharge the duties of the positions they seek. Applicants for positions in the mechanical trades and occupations may, in the discretion of the commission, be rated solely on experience and physical qualifications which may be determined by such evidence and in such manner as the commission may direct; and such applicants may be submitted to such further tests as the commission may require. The commission shall prepare lists of preliminary requirements and subjects of examinations for the several positions, and shall publish its rules and regulations and such information and advertise such examinations in such manner as the nature of the examination may require. The commission, except as may be otherwise provided in the case of laborers, shall require an applicant to file in its office, in accordance with its rules and regulations, a reasonable length of time before the date of examination, a formal application filled out in his own handwriting. Blank forms of such applications shall be furnished by said commission without charge to all persons requesting the same. The commission may require in connection with applications, including laborers, such certificates of citizens, physicians, public officers or others having knowledge of the applicant, as the good of the service may require. The commission may refuse to examine, or after examination to certify as eligible, anyone who is found to lack any of the established preliminary requirements for the examination or position for which he applies; or

Character
of exam-
inations.

Preliminary
require-
ments.

Applica-
tion blanks.

May refuse
to examine.

who is physically so disabled as to be rendered unfit to perform the duties of the position to which he seeks appointment, or who is addicted to the habitual use of intoxicating beverages to excess; or who has been guilty of a crime or of infamous or notoriously disgraceful conduct; or who has been dismissed from the public service for delinquency or misconduct; or who has intentionally made a false statement of any material facts, or practiced, or attempted to practice, any deception or fraud in his application, in his examination, or in securing his eligibility. Any person appointed to a position under the provisions of this act who has secured his place on the eligible list through fraud shall be removed by the commission from his position and shall not thereafter be eligible for examination for any position under the provisions of this act except by unanimous permission of the commission. When the position to be filled involves fiduciary responsibility, the appointing power may require the appointee to furnish a reasonable bond or other security, and shall notify the commission of the amount and necessary details thereof.

May require
bond.

Temporary
appoint-
ments.

SEC. 11. When there is no eligible list from which a position may be filled, the appointing power may, with the consent of the commission, fill such position by temporary appointment, and such temporary appointment shall not continue for a longer period than three months, nor shall successive temporary appointments be made to the same position under this section without the previous consent of the commission, and in no case shall any person hold a position under such successive temporary appointments for a longer period than six months without the unanimous consent of the commission.

Emergency
appoint-
ments.

SEC. 12. The commission shall establish rules and regulations under which emergency appointments may be made when those on the eligible lists are not immediately available, and for the time for which such emergency appointments shall be valid; and may fix a different time for different counties or cities and counties of the state.

Promotions.

SEC. 13. Vacancies in positions shall be filled, so far as practicable, by promotion from among persons holding positions in a lower grade of the department, office or institution in which the vacancy exists. Promotions shall be based upon merit and competition and upon the superior qualifications of the person promoted as shown by his records of efficiency. For the purposes of this section an increase in the salary or other compensation of any person holding an office or position within

the scope of the rules and regulations in force hereunder beyond the limit fixed for the grade in which such office and position is classified, shall be deemed a promotion. The commission may authorize the transfer of any person legally holding a position to a similar position in the same class or grade, and may provide for the reinstatement within one year of persons separated from positions without fault or delinquency on their part, if within that time there is need for their services. No promotion, transfer or reinstatement shall be made from a position in one class to a position in another class, nor shall a person be transferred to or reinstated in a position for original entrance to which there is required by this act or the rules and regulations thereunder an examination involving essential tests or qualifications different from or higher than those required for original entrance to the position held by such person.

SEC. 14. The tenure of every one holding a position under the provisions of this act shall be during good behavior, but any such person may be removed for any of the following causes: Tenure
of office.

(a) Incompetence or inefficiency.

(b) Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public or of fellow employees, a violation of the provisions of this act or of the rules or regulations of the commission or any other failure of good behavior. The appointing power that could fill such positions under the provisions of this act if vacant or the commission may remove, as hereinafter provided, for such cause. The appointing power in so proceeding must furnish to the person holding such position written charges setting forth such ground for removal and file copy with the commission and allow the accused a reasonable time and opportunity to file with the commission and furnish to said appointing power written answer and explanation and thereafter said appointing power shall publicly hear and determine such charges after reasonable notice to the accused and the commission of the time and place of said hearing and affording the accused an opportunity at such hearing to present whatever competent evidence the accused may desire in defense. In case of charges presented by or to the commission, it shall proceed in like manner. A judgment of removal, in writing, setting forth the findings of said appointing power after such hearing and filed with the commission, shall be final and effect such removal and shall not be subject to review by any other Written
charges.

Public
hearing.

Judgment
not subject
to review.

Suspension.

tribunal, except that in case of proceedings against the same person before both the appointing power and the commission the judgment against the accused by either the appointing power or the commission shall control a judgment by the other in favor of the accused. Such appointing power may from time to time peremptorily suspend, with loss of salary or other compensation during such suspension, such person for such cause, and without trial, but only upon written charges so furnished to such person and filed with the commission and with the privilege to such person to so furnish to the appointing power and file with the commission written answer and explanation, but such suspension or total suspensions by that appointing power of that person shall not exceed thirty days. Either the appointing power or the commission may transfer charges to the other for action or investigation.

Employment
of laborers.

SEC. 15. The commission shall provide by rule for the employment of laborers in the labor class in the order of priority of application for employment. There shall be separate lists of applicants for different kinds of labor, and the commission may provide separate labor registration lists for departments, institutions, districts or localities. The commission may require an applicant for registration to pass such examination as they may deem proper with respect to his age, residence, physical condition, ability to labor, skill, capacity and experience. The commission shall establish such time as it may deem expedient for the duration of eligible lists in the labor class.

Reports of
appointees,
etc.

SEC. 16. It shall be the duty of each appointing power to report to the commission forthwith upon each appointment the name of the appointee, the title or character of the position, the date of the commencement of such service, and the salary or compensation therefor, and to report from time to time, and upon the date of official action in, or knowledge of each case, any separation of the person from the position, or other changes, and such other information as the commission may require in order to keep the roster hereinafter mentioned. The Commission shall keep in its office an official roster of all persons holding positions under the provisions of this act and shall enter thereon the name of each and every person who has been appointed to, promoted, reduced, transferred, reinstated or removed from or left any position and require such evidence as it may deem satisfactory as to whether such person was appointed to, promoted, reduced, transferred, reinstated or

Official
roster.

removed from such position in accordance with the provisions of this act and the rules and regulations of the commission thereunder and as to when and why and how such person was otherwise separated from such position. The official roster shall show opposite, or in connection with, each name, the date of appointment, promotion, reduction, transfer or reinstatement, the compensation of the position, the date of commencement of service and change in or separation from position and when and why and how there was such change or separation. The names of all persons holding positions at the time of the taking effect of this act which if vacant would be filled under the provisions of this act shall be certified to the commission by the appointing power that could then so fill such position if vacant, and such names shall be entered in said roster, and thereupon shall be deemed appointed under the provisions of this act and persons then holding such positions who have served in such positions a less period than one year and more than sixty days from the date of the classification of such positions as required by this act shall be deemed to be serving the probationary period, and persons who have served in such positions for less than such sixty days shall be deemed temporary appointees.

Names of persons now holding positions to be certified to commission.

SEC. 17. It shall be unlawful for the controller or other fiscal officer of the state to draw, sign, issue, or authorize the drawing, signing, or issuing of any warrant on the treasurer or other disbursing officer of the state for the payment of, or for the treasurer or other disbursing officer to pay any salary or compensation to any one holding any position under the provisions of this act unless the estimate, pay roll or account for such salary or compensation, containing the name of the person to be paid, shall bear the certificate of the commission that the persons named in such estimate, pay roll or account are holding positions as provided by this act and the rules and regulations prescribed thereunder. Any sums paid contrary to the provisions of this section may be recovered from any one making such appointment in violation of the provisions of this act and of the rules and regulations prescribed thereunder or from any officer signing, or countersigning, or authorizing the signing or countersigning of any warrant for the payment of the same, and from the sureties on his official bond in an action in any court of competent jurisdiction of this state maintained by a citizen resident therein, who is assessed for and is liable to pay, or within one year before the commencement of such

Commission to certify to pay rolls before controller issues warrant.

action has paid, a tax therein. All moneys recovered in any action brought under the provisions of this section must, when collected, be paid into the treasury of the state, except that the plaintiff in any such action shall be entitled to receive for his own use the taxable costs of such action.

Penalty
for false
marking,
grading,
etc., of
persons
examined.

SEC. 18. Any commissioner or examiner, or any person who shall wilfully by himself or in co-operation with one or more persons, defeat, deceive or obstruct any person in respect of his or her right of examination or registration, according to any rules or regulations prescribed pursuant to the provisions of this act, or who shall wilfully and falsely mark, grade, estimate, or report upon the examination or proper standing of any person examined, registered, or certified, pursuant to the provisions of this act, or aid in so doing, or who shall wilfully make any false representation concerning the same, or concerning the person examined, or who shall wilfully furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined, registered, or certified, or to be examined, registered, or certified, or who shall personate any other person, or permit or aid in any manner any other person to personate him, in connection with any examination or registration or application or request to be examined or registered, shall be deemed guilty of misdemeanor.

Soliciting
from persons
on eligible
list pro-
hibited.

SEC. 19. No officer, agent, clerk or employee under the government of the state shall, directly or indirectly, solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription, contribution or political service, whether voluntary or involuntary, for any political purpose whatever, from any one on the eligible lists or holding any position under the provisions of this act.

Every officer, agent, clerk or employee under the government of the state who may have charge or control in any building, office, or room occupied for any purpose of said government is hereby authorized to prohibit the entry of any person, and he shall not permit any person to enter the same, for the purpose of therein making, collecting, receiving or giving notice of any political assessment, subscription or contribution, and no person shall enter, or remain in any said building, office or room, or send or direct any letter or other notice thereto, for the purpose of giving notice of, demanding, or collecting a political assessment, subscription or contribution, nor shall any person therein give notice of, demand, collect or receive, any

such assessment, subscription or contribution contrary to the provisions of this section.

SEC. 20. No one, while holding any public office, or in nomination for, or while seeking a nomination or appointment for, any public office, shall use or promise to use, whether directly or indirectly, any official authority or influence (whether then possessed or merely anticipated) in the way of conferring upon any person, or in order to secure or aid any person in securing any position under the provisions of this act, either in nomination, confirmation, promotion, or increase in salary, or as to any change in any such position, upon a consideration or condition that the vote or political influence or action of the last named person or any other, shall be given or used in behalf of any candidate, officer or party, or upon any other corrupt condition or consideration. And no one, being a public officer, or in nomination for, or while seeking nomination or appointment for, any public office or having or claiming to have any authority or influence (whether then possessed or merely anticipated) for the securing or holding of or as to affecting any position under the provisions of this act, shall use, or promise or threaten to use, any such authority or influence, directly or indirectly, in order to coerce or persuade the vote or political action of any person on the eligible lists or holding any position under the provisions of this act.

Promise of
advance-
ment for
political
influence
prohibited

SEC. 21. No salary, compensation or other emolument shall be paid to any one appointed to or retained in any position in violation of this act. Any officer approving or paying such salary shall be liable for such sum on his official bond. Whenever the commission shall notify the auditing officer that any position has been filled in violation of this act or any of the rules and regulations thereunder, no demand for the salary or compensation or other emolument of such position shall be approved or paid except upon the order of a court of competent jurisdiction.

No salary
to persons
appointed in
violation
of act.

SEC. 22. Any person acting in good faith in accepting appointment or employment contrary to the provisions of this act or of the rules and regulations prescribed thereunder, shall be paid by the appointing power the compensation promised by or on behalf of the appointing power or in case no compensation is so promised then the actual value of any service rendered and the expense incurred in good faith under such attempted appointment or employment, and shall have a cause of action against the appointing power for such sum or sums

Appointing
power must
pay persons
accepting
appointment
in good
faith.

and for the costs of action. No public officer shall be reimbursed by the state or any of its instrumentalities for any sum so paid or recovered in such action.

Political
and religious
recommenda-
tion.

SEC. 23. No recommendation or question or inquiry under the authority of this act shall relate to the political or religious opinions or affiliations of any person, and no appointment or change in or removal from any position under the provisions of this act shall be in any manner affected or influenced by such opinions or affiliations.

Witness
fees.

SEC. 24. Witnesses and officers to subpoena and secure the attendance of witnesses before the commission, or any commissioner, or the chief examiner or other authorized agent of the commission, shall be entitled to the same fees as are allowed witnesses in civil cases in courts of record. Such fees need not be prepaid, but the controller shall draw his warrant for the payment of the amount thereof when the same shall have been certified to by the commission and duly proved by affidavit or otherwise to the satisfaction of the controller.

Penalty.

SEC. 25. Any person wilfully violating any of the provisions of this act shall be guilty of a misdemeanor.

SEC. 26. All acts and parts of acts inconsistent with this act are hereby repealed in so far as they are inconsistent with the provisions of this act.

Appropriation.

SEC. 27. There is hereby appropriated the sum of fifty thousand dollars for carrying into effect the provisions of this act, and for defraying the expenses of the commission during the biennial term of 1913-1914.

AN ACT

Authorizing the state treasurer, upon the approval of the governor and the board of control, to enter into agreements to pay commissions on the sale of certain bonds of the state of California, appropriating money for such purpose and providing for the transfer of money from the San Francisco harbor improvement fund to the general fund of the state treasury.

[Approved June 16, 1913. In effect August 10, 1913.]

The people of the State of California do enact as follows:

SECTION 1. The state treasurer, upon the approval of the governor and the board of control, is hereby authorized to enter into agreements to pay commissions for services rendered

Commis-
sions, sale
of harbor
bonds.

in the procuring of bids for all or any portion or portions of the state bonds issued under the provisions of an act entitled, "An act to provide for the issuance and sale of state bonds to create a fund for the improvement of San Francisco harbor by the construction by the board of state harbor commissioners of wharves, piers, state railroad, spurs, betterments and appurtenances and necessary dredging and filling in connection therewith in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; to define the duties of state officers in relation thereto; to make an appropriation of five thousand dollars for the expense of printing said bonds; and to provide for the submission of this act to a vote of the people," approved March 20, 1909.

No agreement shall be entered into by the state treasurer to pay a greater commission than ten per cent of the par value of the bonds sold, and no commission shall be paid for services rendered except to one who has procured and effected the sale and not until the money from the sale of such bonds has been paid into the state treasury. Not greater than ten per cent.

SEC. 2. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of five hundred thousand dollars to be used for the purposes of this act; *provided*, that when any money herein appropriated is used to pay a commission on the sale of such bonds, a like amount of money shall be transferred from the San Francisco harbor improvement fund to the general fund of the state treasury within five years from the date of payment of said commission, and the state treasurer and state controller are hereby authorized and directed to complete such transfer in equal yearly installments, the first of such installments being payable one year from the date of payment of such commission and so on until all the installments are paid. Appropriation.

SEC. 3. The board of state harbor commissioners are hereby authorized and directed by the collection of dockage, tolls, rents and crantage, to collect a sum of money sufficient for the purposes of this act, over and above the amount limited by section two thousand five hundred and twenty-six of the Political Code of the State of California.

ASSEMBLY CONCURRENT RESOLUTION NO. 40,

Relative to setting aside for aquatic sports certain submerged lands lying along the water front of the city and county of San Francisco.

[Filed with Secretary of State June 2, 1913.]

Site for
aquatic
sports in
San Fran-
cisco bay.

WHEREAS, The proposed extension of the Belt railroad along the water front of the city and county of San Francisco across the water lots of Jefferson street to the United States transport docks will wipe out the boat clubs at the foot of Van Ness avenue by reason of their being shut off from open water; and

WHEREAS, It is the sentiment of the majority of the people of San Francisco that a site be set aside for the use of the San Francisco yachting, swimming and boating public, such sentiment having been shown at the recent bond election for an aquatic park by the more than majority vote therefor; and

WHEREAS, In the cove at the foot of Van Ness avenue there are between two and three blocks of land of which a portion is hereinafter described, which being submerged and owned by the State of California is not now being used; and

WHEREAS, Said water lots owned by the state are available for said yachting, swimming and boating purposes;

Resolved by the assembly, the senate concurring, That the board of state harbor commissioners be requested to set aside for the use of the yachting, swimming and boating public of San Francisco and for the use of bona fide amateur yachting, swimming and boating clubs of San Francisco, the water lots comprising one state block owned by the State of California and bounded by Polk and Larkin, and Tonquin and Lewis streets, city and county of San Francisco.

AN ACT

Granting certain rights and water privileges to the California Dry Dock Company.

(Approved March 28, 1868.)

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The California Dry Dock Company is hereby authorized and empowered to extend its works into the bay of San Francisco to the depth of at least thirty feet at low water, in front of the land now owned by the said company: *provided*, the line to which said extension is made shall be a curve of eighteen hundred feet radius, whose center shall be taken in the northerly line of Seventh avenue, at a point two hundred and fifty feet easterly from the intersection of said line with the easterly line of A street, as now laid down on the maps of the lands of the South San Francisco Homestead and Railroad Association filed in the office of the recorder of the city and county of San Francisco on April fifteenth, eighteen hundred and sixty-seven. The said curve shall commence at a point in the northerly line of Fifth avenue extended into the bay, and thence running northerly and westerly to a point one hundred and fifty feet westerly from the westerly line of A street extended into the said bay; and the said Dry Dock Company shall be entitled to all the right of the State of California to the overflowed lands embraced within the said curve and in front of the land now owned by said company, and the same is hereby released to it and its successors forever; *provided*, that the front boundary line of the land granted by this act shall, if so required, be made to conform to the front line of the city of San Francisco, as and when the same shall be hereafter established, and that no permanent structure or obstruction of any kind shall ever be placed outside of said curve line so as to interfere with the navigation of said bay; *and provided further*, the said company, its successors and assigns, shall not at any time hereafter demand or receive toll, dockage or wharfage for shipping that may hereafter land or lie at any wharf, bulkhead or other structure said company, its successors or assigns, may erect or make upon said land, except for such shipping as may land or lie, as aforesaid, for purpose or purposes connected with the actual business of the said Dry Dock Company.

To extend works into bay of San Francisco.

Toll and wharfage.

Conditions.

SEC. 2. The grant of said overflowed land is made on the express condition that the California Dry Dock Company shall pay the value thereof, of not less than two hundred dollars per acre, to be ascertained and appraised by the State Harbor Commissioners; and shall also expend thereon, and on the land adjacent thereto now owned by said company, including the amount already expended in the construction of a dry dock or docks and for other purposes connected therewith, at least two hundred and fifty thousand dollars within twelve months from the passage of this act. The said Dry Dock Company is authorized to have a survey made at its own expense, by the surveyor of the city and county of San Francisco, of the said overflowed land; and on the approval of his survey by the surveyor-general, and upon the payment to the treasurer of the state, to the credit of the wharf and dock fund, the value of said land so ascertained, the register of the state land office shall certify said approval and payment to the governor, whereupon a patent shall issue for said land to the said California Dry Dock Company.

SEC. 3. This act shall take effect from and after its passage.

PENAL CODE.

SEC. 613. THROWING OVERBOARD BALLAST, OR OTHERWISE OBSTRUCTING THE NAVIGATION OF ANY HARBOR, ETC.

Every person who, within the anchorage of any port, harbor, or cove of this state, into which vessels may enter for the purpose of receiving or discharging cargo, throws overboard from any vessel the ballast, or any part thereof, or who otherwise places or causes to be placed in such port, harbor, or cove, any obstructions to the navigation thereof, is guilty of a misdemeanor. [*Statutes 1861, p. 224, Sec. 3; 1864, p. 138; reenacted February 14, 1872.*]

Penalty for dumping obstructions into the bay.

SEC. 642. COLLECTING TOLLS, ETC., AT SAN FRANCISCO WITHOUT AUTHORITY.

Every person who collects any toll, wharfage, or dockage, or lands, ships, or removes any property upon or from any portion of the water front of San Francisco, or from or upon any of the wharves, piers, or landings under the control of the board of state harbor commissioners, without being by such board authorized so to do, is guilty of a misdemeanor. [*Enacted February 14, 1872.*]

Misdemeanor to collect tolls or remove goods without authority of the board.

SEC. 653c. UNLAWFUL TO PERMIT WORKMEN UPON PUBLIC WORKS TO WORK MORE THAN EIGHT HOURS PER DAY.

The time of service of any laborer, workman, or mechanic employed upon any of the public works of the State of California, or of any political subdivision thereof, or upon work done for said state, or any political subdivision thereof, is hereby limited and restricted to eight hours during any one calendar day; and it shall be unlawful for any officer or agent of said state, or of any political subdivision thereof, or for any contractor or subcontractor doing work under contract upon any public works aforesaid, who employs, or who directs or controls, the work of any laborer, workman, or mechanic, employed as herein aforesaid, to require or permit such laborer, workman, or mechanic, to labor more than eight hours during any one calendar day, except in cases of extraordinary emergency, caused by fire, flood, or danger to life or property, or except to work upon public military or naval defenses or works in time of war. Any officer or agent of the State of California, or of any political subdivision thereof, making or awarding, as such officer or agent, any contract, the execution of which involves, or may involve, the employment of any

Limitation of hours of daily service upon public works.

Contract to contain certain stipulations.

laborer, workman, or mechanic upon any of the public works, or upon any work, hereinbefore mentioned, shall cause to be inserted therein a stipulation which shall provide that the contractor to whom said contract is awarded shall forfeit, as a penalty, to the state or political subdivision in whose behalf the contract is made and awarded, ten dollars for each laborer, workman, or mechanic employed, in the execution of said contract by him, or by any subcontractor under him, upon any of the public works, or upon any work, hereinbefore mentioned, for each calendar day during which such laborer, workman, or mechanic is required or permitted to labor more than eight hours in violation of the provisions of this act; and it shall be the duty of such officer or agent to take cognizance of all violations of the provisions of said act committed in the course of the execution of said contract, and to report the same to the representative of the state or political subdivisions, party to the contract, authorized to pay to said contractor moneys becoming due to him under the said contract, and said representative, when making payment of moneys thus due, shall withhold and retain therefrom all sums and amounts which shall have been forfeited pursuant to the herein said stipulation. Any officer, agent, or representative of the State of California, or of any political subdivision thereof, who shall violate any of the provisions of this section, shall be deemed guilty of misdemeanor, and shall upon conviction be punished by fine not exceeding five hundred dollars, or by imprisonment, not exceeding six months, or by both such fine and imprisonment, in the discretion of the court. [*Statutes 1905, p. 666.*]

SEC. 653d. RETAINING WAGES OF EMPLOYEE.

Every person who employs laborers upon public works, and who takes, keeps, or receives for his own use any part or portion of the wages due to any such laborers from the state or municipal corporation for which such work is done, is guilty of a felony. [*Statutes 1905, p. 667.*]

CONSTITUTION OF CALIFORNIA.

ARTICLE XIII, SECTION 1 $\frac{3}{4}$.

SECTION 1 $\frac{3}{4}$. All bonds hereafter issued by the State of California, or by any county, city and county, municipal corporation, or district (including school, reclamation and irrigation districts) within said state, shall be free and exempt from taxation. [*Amendment adopted November 4, 1902.*]

Harbor frontages, Bonds exempt from execution, etc.

ARTICLE XV, SECTIONS 1, 2 AND 3.

SECTION 1. The right of eminent domain is hereby declared to exist in the state to all frontages on the navigable waters of this state.

SEC. 2. No individual, partnership, or corporation, claiming or possessing the frontage or tidal lands of a harbor, bay, inlet, estuary, or other navigable water in this state, shall be permitted to exclude the right of way to such water whenever it is required for any public purpose, nor to destroy or obstruct the free navigation of such water; and the legislature shall enact such laws as will give the most liberal construction to this provision, so that access to the navigable waters of this state shall always be attainable for the people thereof.

NAVIGABLE WATERS.—If dams upon tidewater sloughs, though the sloughs be not themselves navigable, result in the obstruction of a navigable stream, they constitute a public nuisance, and are forbidden by this section. [*People vs. Russ*, 132 Cal. 102.]

SEC. 3. All tide lands within two miles of any incorporated city or town in this state, and fronting on the waters of any harbor, estuary, bay, or inlet used for the purposes of navigation, shall be withheld from grant or sale to private persons, partnerships, or corporations.

ARTICLE XIX, SECTION 3.

SECTION 3. No Chinese shall be employed on any state, county, municipal, or other public work, except in punishment for crime.

Chinese not to be employed on public work.

ARTICLE XX, SECTION 17.

SECTION 17. The time of service of all laborers or workmen or mechanics employed upon any public works of the State of California, or of any county, city and county, city, town, district, township, or any other political subdivision thereof, whether said work is done by contract or otherwise, shall be limited and restricted to eight hours in any one calen-

Hours of labor on public work.

dar day, except in cases of extraordinary emergency caused by fire, flood, or danger to life and property, or except to work upon public, military, or naval works or defenses in time of war, and the legislature shall provide by law that a stipulation to this effect shall be incorporated in all contracts for public work and prescribe proper penalties for the speedy and efficient enforcement of said law. [*Amendment adopted November 4, 1902.*]

BOARDS OF STATE HARBOR COMMISSIONERS.

First Board—C. L. Taylor, appointed November 4, 1863; D. C. McRuer, appointed November 4, 1863; S. S. Tilton, appointed November 4, 1863.

Second Board—C. L. Taylor; S. S. Tilton; James Laidley, appointed November 6, 1865.

Third Board—S. S. Tilton; James Laidley; James H. Cutter, appointed November 4, 1867.

Fourth Board—James H. Cutter; John J. Marks, appointed December 6, 1869; Jasper O'Farrell, appointed January 15, 1870.

Fifth Board—John J. Marks; Jasper O'Farrell; Washington Bartlett, appointed June 23, 1870.

Sixth Board—John J. Marks; Jasper O'Farrell; John Rosenfeld, appointed November 29, 1871.

Seventh Board—John Rosenfeld; Jasper O'Farrell; Lewis Cunningham, appointed March 1, 1873.

Eighth Board—Lewis Cunningham; John Rosenfeld; Samuel Soule, appointed March 13, 1873.

Ninth Board—Lewis Cunningham; Samuel Soule; T. D. Mathewson, appointed June 5, 1873.

Tenth Board—Samuel Soule; T. D. Mathewson; D. C. McRuer, appointed April 21, 1874.

Eleventh Board—Wm. Blanding, appointed March 4, 1876; Bruce B. Lee, appointed March 4, 1876; A. M. Burns, appointed March 4, 1876. Frank McCoppin succeeded Burns October 28, 1879.

Twelfth Board—Wm. Blanding; G. S. Evans, appointed January 27, 1880; Wm. A. Phillips, appointed March 4, 1880.

Twelfth and Thirteenth Boards—Wm. Blanding; Wm. H. Knight, appointed November 23, 1882; Geo. S. Evans; Wm. A. Phillips.

Fourteenth and Fifteenth Boards—Wm. Irwin, appointed March 20, 1883; died March 1, 1886; A. C. Paulsell, appointed March 20, 1883; John H. Wise, appointed March 20, 1883. Frank McCoppin succeeded Irwin April 1, 1886.

Sixteenth Board—William D. English, appointed March 13, 1887; A. C. Paulsell; John H. Wise.

Seventeenth Board—William D. English; A. C. Paulsell; Charles O. Alexander, appointed March 13, 1889.

Eighteenth Board—William D. English; Charles O. Alexander; William H. Brown, appointed March 13, 1890.

Nineteenth Board—C. F. Bassett, appointed March 31, 1891; Charles O. Alexander; William H. Brown.

Twentieth Board—C. F. Bassett; William H. Brown; Dan T. Cole, appointed March 13, 1893.

Twenty-first Board—C. F. Bassett; Dan T. Cole; F. S. Chadbourne, appointed March 13, 1894.

Twenty-second Board—E. L. Colnon, appointed March 14, 1894; Dan T. Cole; F. S. Chadbourne.

Twenty-third Board—E. L. Colnon; F. S. Chadbourne; P. J. Harney, appointed March 20, 1897.

Twenty-fourth Board—E. L. Colnon; P. J. Harney; Rudolph Herold, Jr., appointed March 13, 1898.

Twenty-fifth Board—Paris Kilburn, appointed March 14, 1899; P. J. Harney; Rudolph Herold, Jr.

Twenty-sixth Board—Chas. H. Spear, appointed March 16, 1903; John C. Kirkpatrick; John D. Mackenzie.

Twenty-seventh Board—W. V. Stafford, appointed March 19, 1907; Henry J. Crocker; W. E. Dennison.

Twenty-eighth Board—W. V. Stafford; W. E. Dennison; P. S. Teller, appointed April 1, 1909.

Twenty-ninth Board—W. V. Stafford; P. S. Teller; George M. Hill, appointed January 7, 1911.

Thirtieth Board—Marshal Hale, appointed March 26, 1911; George M. Hill; J. J. Dwyer, appointed March 26, 1911.

Thirty-first Board—J. J. Dwyer; George M. Hill, died July 10, 1912; Thomas S. Williams, appointed July 27, 1911.

Thirty-second Board—J. J. Dwyer; Thomas S. Williams; John H. McCallum, appointed July 30, 1912.

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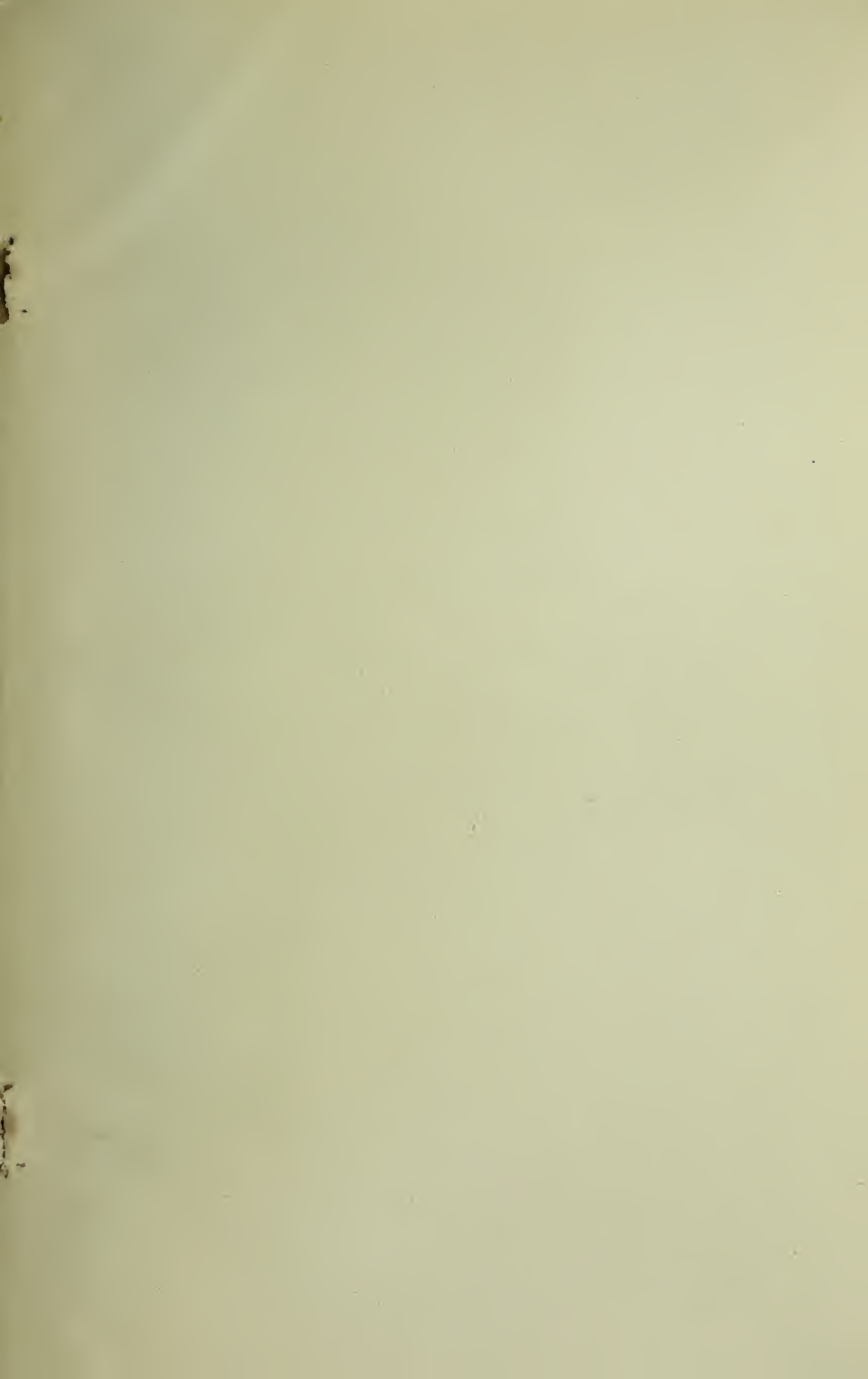
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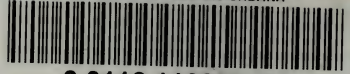
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